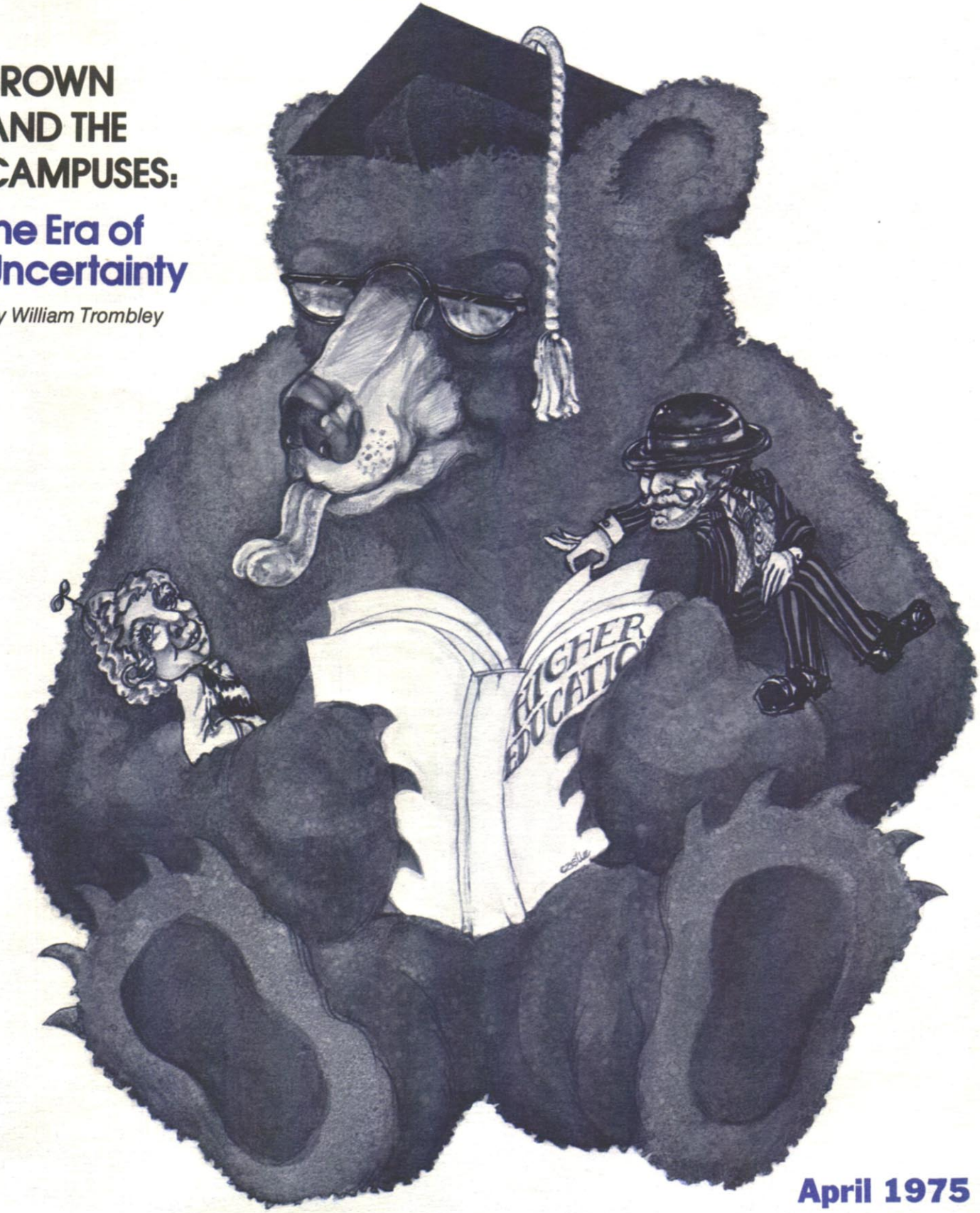
# California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

## BROWN AND THE CAMPUSES: the Era of Uncertainty

*By William Trombley*




**April 1975**

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# A PERSONAL PERSPECTIVE...

By Ed Salzman

## *Encouraging the independent voter*

The pollsters tell us that Americans are becoming increasingly turned off by the nation's two major political parties. If the surveys are right, about 40 percent of the national electorate should be considered independent rather than Democratic (slightly more than 40 percent) or Republican (less than 20 percent). The statistics in California do not reflect this disenchantment, since anyone who registers as an independent, or decline-to-state, is effectively disenfranchised from the primary elections. Despite this, more than 6 percent of registered Californians declined to join any political party for the 1974 election. The California decline-to-state rolls took a big upward leap when 18-19- and 20-year-olds were given the vote, indicating that there is proportionately more disaffection with the party system among those who will be part of the political process the longest.

This mood is also reflected in the "Yes on No" campaign sponsored by a couple of talk-show hosts, Hilly Rose of Los Angeles and Jim Eason of San Francisco. What they propose is that voters be given an option to vote no on all candidates placed on the ballot by the political parties. Under one version of their plan pending in the Legislature, the voters could reject all candidates by giving "no" the most votes, and a new election would be held with a slate of different candidates. Under another version, the candidate with the most votes would win, even if the noes predominate.

The problem with such plans is that there is no guarantee that the second election would produce better candidates than the first. The noes could win indefinitely, and there would be a series of expensive elections with the office at stake vacant in the interim. (On the other hand, one benefit might be that the public would discover that some elected offices might be surplus baggage on the ballot.)

The gubernatorial election in Maine last November produced an Independent governor, James B. Longley. He had 40 percent of the vote, compared to 37 percent for the Democratic candidate and 23 percent for the Republican — a result that reflects the polls almost precisely. Local issues and the personalities of the candidates, however, were larger factors than disenchantment with the parties. Could it happen here in California?

As it turns out, the major political parties have done an excellent job of protecting themselves from an independent incursion. Yes, it is legal for independents to seek office in California. Yes, there is a petition process for qualifying an independent for the ballot with what appears on the surface to be a reasonable number of signatures. (Under present law, the number of valid signatures is only 500 for a congressional or legislative district and five percent of the registered voters for statewide office.) But there's a big catch in the process: Such a candidate, and those who sign his petitions, cannot have voted in the primary. Identifying those who failed to vote in the primary, finding them and convincing them to sign is such an immense task that those who have explored the possibility of running have abandoned the notion rapidly. There have been efforts before the Legislature to change the law, and a court decision has questioned the state's standards for independent candidacies. But thus far the forces for party domination have prevented the catch from being eliminated.

* * *

Assuming that California voters are comparable to American voters generally, this means that a whopping portion of the public is being disenfranchised because independents are not being given the opportunity to compete fully with the Democratic and Republican parties. This may be one explanation for the unusually low turnout at the 1974 elections. An argument can be made that Californians are even more independent than voters elsewhere, since the state permitted candidates for so many years to file under more than one party and since California voters have a tradition of ticket-splitting.

Under the present system, California voters are almost forced to choose the lesser of evils when they are not impressed with either candidate for an office because that is the only way to cast a vote that will mean anything. (Protest votes for minor-party candidates usually backfire because they tend to help the candidates at the opposite end of the political spectrum.) As a consequence, many of us hold our noses in the voting booth while recording some of our choices.

In other states, independents occasionally do get elected. If this were possible in California, in some small way there might be an uplift in public confidence in the political system. An independent can get elected only if he or she stands for something a great deal more important than a party label.


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# California Journal

THE MONTHLY ANALYSIS
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# The new era in higher education: What course will the Governor take?

## By William Trombley

After decades of growth and excitement, followed by several years of dissent and danger, California higher education now faces a period of uncertainty. The times have changed. Students have moved from political action to personal development. Gurus and vegetarians are more in vogue than demonstrations. The only political speakers able to command large campus audiences, and fancy fees, are those who promise Watergate confessions. If students are not as apathetic as they are said to have been in the 1950s (as a campus editor who was in almost constant trouble in that supposedly apathetic period I have always wondered about that interpretation), at least they are not marching.

In this environment, faculty members can, if they choose, devote more time to teaching and research and less to campus politics. Administrators, if they are so inclined, can try to manage their campuses instead of spending their time on plans to thwart the latest student or faculty political initiative. But the tranquil surface of campus life is misleading. There are many problems.

### A sense of *déjà vu*

After decades of steady growth, enrollments are stabilizing. On some California campuses there have been precipitous drops. Shifts away from the humanities and liberal arts to medicine, law, engineering and other "career-oriented" fields have created severe dislocations within many faculties. The financial problems that seemed so much a part of Ronald Reagan's eight years have outlasted him and have destroyed hopes for "catch-up" appropriations from his successor, Edmund G. Brown, Jr.

When a Brown administration spokesman told a rally of protesting teachers on the Capitol steps in mid-February that education was important but no more important than health or welfare or unemployment, it provided a sense of *déjà vu* for those who had heard Reagan tell a delegation of college professors the same thing eight years earlier. So far, Brown and other political leaders seem to be circling around higher education, not quite sure how to deal with it in these new circumstances.

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*For the past 10 years, William Trombley of the Los Angeles* Times *has generally been recognized as California's foremost education writer. He prepared this article for the* Journal *upon leaving the education beat to take on a new assignment covering a broad range of topics.*

When Brown's father was governor, support of higher education was popular. Brown Sr., and Hale Champion, his finance director and close advisor, often grumbled about the cost, but they poured large amounts of money into the growth and improvement of both the University of California and the state college system. Ronald Reagan, elected in part on a pledge to "clean up the mess at Berkeley", had few doubts about how to treat higher education, especially the University of California. He trimmed budgets and demanded tuition. When protests grew violent — in Isla Vista and in Berkeley's "People's Park" — he sent in the National Guard and threatened a "bloodbath".

### Reformed Reagan

Later, however, Reagan modified his position. He never carried out the drastic 1967 budget cuts, and several of his later budgets included substantial increases in higher-education funding. Although a small tuition was instituted at UC in 1970, it has not been increased and the state colleges remain tuition-free. Reagan signed a bill changing the name of the state colleges to California State University and Colleges, a dubious improvement but one much sought by some of the schools. He helped private colleges and universities by recommending generous increases in the state scholarship program and by approving new state grants to private medical schools, as well as "tuition grants" for students who elect private institutions over public. And he established a million-dollar fund for the improvement of undergraduate instruction at UC, largely at the behest of students.

Whether Reagan altered his approach because of a change of heart or because polls showed that attacking higher education no longer was popular, the attack did let up. The last two or three years were relatively free of the harsh exchanges that characterized the Governor's relations with the academic community during his first few years in office. Reagan and the professors (and students) never liked each other but the decibel level of the argument was lowered.

### What's new?

The new Governor Brown's approach has been notable so far chiefly for its energy. He attends meetings of the UC Board of Regents and the state university Board of Trustees, sometimes even committee meetings. His questions indicate that he has read the agenda items in ad-


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vance, something some board members fail to do, or has been well briefed. He is inclined to support the student position on an issue, when there is a student position, but Brown's overall higher-education policy objectives are not yet clear.

Nor have dominant points of view emerged from the new Legislature. In recent years, some of the liberal Democrats who once solidly supported higher education have grown more critical, particularly of the University of California. Assemblyman Willie Brown is displeased because UC does not admit enough minority students and does not provide enough clinical services for his black constituents in San Francisco. Assemblyman John Vasconcellos thinks the University is run by research-minded professors who care little for the personal development of students. Assemblyman Charles Warren is annoyed because UC researchers have not focused their efforts on the state's energy problems effectively. These lawmakers, among others, are convinced that teaching suffers because of an over-emphasis on research, especially research that does not appear to have practical applications.

### Tide turns, or . . .?

UC officials have argued back that they cannot provide all things for all men — dental clinics for Willie Brown, encounter groups for Vasconcellos, speedy solutions to the energy crisis for Warren. They contend that basic research, including work that sometimes seems to serve no useful purpose, is absolutely essential, not only for the health of the University but for the good of the state.

But until recently UC was losing this argument and its critics — especially Vasconcellos — were gaining positions of influence within the Legislature. Then Leo McCarthy defeated Willie Brown for the Assembly speakership. Brown and those who supported him — including Vasconcellos — were removed from the Ways and Means Committee, and the picture brightened for UC. Still, it is not clear what notions McCarthy holds about higher education. Nor can it be said for certain how much of a dent the liberal criticism of recent years has made in the traditional legislative support for UC and for higher education generally.

It seems safe to predict that, in a time when higher education accounts for well over one billion dollars of state expenditures each year, and when legislators and their staffs have become better informed about the workings and problems of higher education, in such a time the old unquestioning support has disappeared forever.

This is not the same as saying the public has lost confidence in higher education, which many administrators and professors around the state seem to fear. Recent polls show relatively high levels of public confidence, now that campus disorders have stopped. Certainly, the desire of middle- and upper-class parents to send their children to college remains strong (stronger than the childrens' desire to go, probably) and lower-class demands for more college opportunity remain insistent. Percentages of high-school graduates going on to college have not dropped sharply, as some said they would, although they have not risen to the levels predicted by euphoric forecasters in the late 1950s and early '60s.

Colleges and universities are likely to be unpopular with portions of the public in the best of times. They are forever producing an Angela Davis or a Mario Savio or some professor who believes that making love three times before breakfast strengthens the heart muscle. There is bound to be tension between public higher education and the taxpayers, but there are few signs at the moment that the tension is turning to breakdown.

### Serious problems : UC

If, indeed, the public is reasonably satisfied with the performance of its colleges and universities, then perhaps the best thing the politicians can do is leave them alone for awhile, for the institutions have serious problems to solve. Many of these are caused by the new "steady state" condition, in which enrollments are increasing little if at all and budget increases are skimpy. These circumstances create problems for small private colleges and for large, multi-campus public systems as well. The small school must figure out how to hold on to the professors of English and history it will need in the long run while still meeting short-term demands for urban studies or biomedical courses, or whatever is currently popular. The large system must decide what subjects to teach and which research areas to stress at which campus, since it cannot afford to do everything at every place.

This is a particular problem for the University of California, where professors and administrators at the newer campuses (Irvine, San Diego and Santa Cruz) are learning slowly and painfully that their dreams of duplicating the academic achievements of Berkeley or UCLA are not likely to be fulfilled. It has been difficult for UC officials to make priority decisions, and even more difficult to make them stick. It has been hard to maintain morale during a period of retrenchment.

### Serious problems: CSUS

These same problems exist, to a somewhat lesser extent, on many California State University and Colleges campuses and they are aggravated by the fact that this system has never been as well financed as UC. State university professors teach more courses, earn lower salaries, work in smaller offices and have fewer graduate-student teaching assistants than their UC counterparts. The result has been a feeling of second-class citizenship among these faculty members — and among many of the students they teach. The state's Master Plan for Higher Education, drawn up in 1959 and partially implemented in 1960, implied that these inequities would be corrected, but they still exist.

Now, a group of professors at San Diego State University — one of the best of the state university campuses — is challenging the state's funding approach, aided by the young attorney who successfully argued the *Serrano* school-finance case. Much rides on the outcome. If levels


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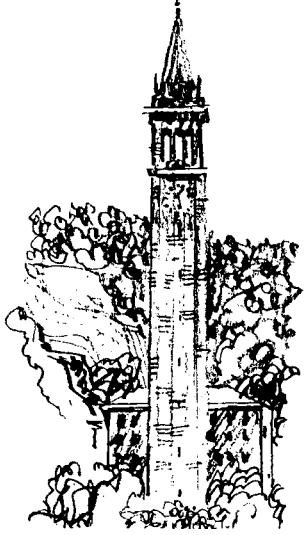

of support for the California State University and Colleges are to be improved until they match UC, this will cost a great deal of money. An alternative would be to trim UC spending to CSUC levels, a result that no one seeks but that might appeal to politicians in times of tight budgets.

### 'Non-traditional' students

There are other problems. Both systems must decide how to improve their services for "non-traditional" students, many of them older persons who hold jobs or run households and so can study only part-time. And both must learn to cope with collective bargaining, which appears to be on the horizon for both faculty and staff members.

Although UC and the state university have made progress toward providing more admission opportunities to minority and low-income students, much remains to be done. Too many students who have the potential to do well in four-year institutions wind up instead in "revolving door" community colleges, staying only a short time before they drop out. On many campuses "affirmative action" is a slogan, not a reality. In a time of diminished employment, it is clearly difficult to correct past patterns of discrimination against women and racial minorities, but surely more can be done than most campuses are doing. Much of the energy that might have gone into implementing sensible "affirmative action" programs seems instead to have been wasted in a loud but largely empty argument between those who would hire any woman or any Black or any Chicano, with minimum regard for qualifications, and those who trumpet "reverse discrimination" whenever a woman or a non-White is hired instead of a White male.

At the state policy level, a decision must be made about financial support for California's private colleges and universities. Is their plight serious enough to justify state assistance beyond present scholarship and grant programs?

It remains to be seen whether the new higher-education-planning agency — the California Postsecondary Education Commission — can do a better job of coordination and planning than its predecessor, the Coordinating Council for Higher Education. If not, the Legislature might decide that the state needs an agency with the power to implement its recommendations, instead of relying on voluntary compliance by the various segments of higher education.

### Paying for education

Tuition is another subject requiring attention. Several research studies in recent years have indicated that the present policy of low or no tuition, with higher education financed largely by sales-tax and income-tax revenues, benefits middle- and upper-class families at the expense of the poor. That is, low-income families are paying taxes to support an educational system from which relatively few of their children benefit. In the past, most of the state's Democratic politicians, and many Republicans as well, have waved aside such findings and opposed tuition as automatically as they have supported highway safety, but at some point they will probably have to examine the subject seriously.

### Reason for optimism

These are some of the problems, and there are more — enough to fill educators' agendas for several years. A look at the state's past record offers some basis for optimism that the problems can be solved. California, after all, has come closer to making the dream of mass higher education come true than any other state. It did this by expanding its four-year university and college systems and by encouraging the development of a network of 102 community colleges.

This was done, not as an act of charity or as a public works project, but in the belief that the state would be well served — culturally, financially, politically — by a well-educated citizenry. New UC campuses were opened. The old state teachers' colleges were transformed into comprehensive, liberal-arts colleges (some more comprehensive than others), and new community colleges sprang up — some, it seemed, almost overnight.

This was done at some cost — the "do not bend, staple or mutilate" complaints voiced by supporters of the Free Speech Movement were legitimate reactions to the impersonality of mass higher education — but it was done. Despite the vehemence and occasional violence of the 1960s and early 70s, however, academic freedom generally has been preserved in the state.

Not entirely.

The UC Board of Regents remains on the American Association of University Professors' list of censured institutions for its firing of Angela Davis without due process. Several questionable disciplinary actions against professors in the state university system have been reversed in the courts. But there has been no academic witch-hunt of the kind many feared after the student protests and Reagan's election. Even Clark Kerr, fired as UC president at the first Regents' meeting Reagan attended in 1967, gives the former Governor credit for adhering generally to principles of academic freedom in tumultuous times.

### UC's new leader

So the record of accomplishment is substantial, offering hope that the "steady state" and other problems of the uncertain '70s can be dealt with successfully.

The University of California will have a new leader to work on these problems when David S. Saxon, vice chancellor of UCLA, succeeds Hitch as UC president this summer. And the California State University and Colleges may well get one, too. In seven years as president, Charles Hitch has guided UC through many crises — Isla Vista, "People's Park", the "reconstruction" of the University into an anti-war forum after the United States invasion of Cambodia, the Reagan budget cuts, the beginnings of "steady state". But Hitch has been, in boxing terms, a counter-puncher — able to fend off most of the blows thrown at the University and return a few sharp jabs as well, but unable to mount an aggressive offense on behalf of UC and higher education generally. That will now become Saxon's responsibility.

Glenn Dumke's 13-year tenure as chancellor of the


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# David S. Saxon: a man much like Hitch

Last fall when UC President Charles J. Hitch announced that he would retire this summer the regents expressed a desire to find a replacement who could present the University's case effectively in public forums. Instead, they chose a man much like Hitch — David S. Saxon, UCLA vice chancellor since 1968 and UC provost for the past year.

Saxon, 55, who will take over as president of the University of California July 1st, is a quiet, intense academic administrator best known for initiating a thorough review of UCLA's academic programs after it became clear that the UC system faced a long period of financial stringency. At UCLA, Saxon teamed nicely with Chancellor Charles E. Young, a personable, out-going sort who handled public relations, fund-raising and other external affairs while Saxon concentrated on running the day-to-day business of the campus. Together the pair weathered the storm that broke when the philosophy department hired Black militant and Communist Party member Angela Davis to teach in the 1969-70 academic year. Acting on Saxon's advice, Young steered a course that preserved academic freedom at UCLA and also resulted in the dismissal of the controversial teacher. (When the American Association of University Professors censured the UC Board of Regents for firing Davis without due process, they carefully exonerated the UCLA administration.)

### Consistent record

Saxon's record on academic freedom appears to be consistent. As a young professor of physics at UCLA in 1949, he refused to sign a loyalty oath and left the University for four years. In 1970, when conservative regents held up the routine promotions of two professors because they had supported either Angela Davis or the UC Berkeley Free Speech Movement, Saxon's anger was part of the storm of protest that persuaded the conservatives to withdraw their opposition.

Saxon won a distinguished teaching award at UCLA in 1967. The next year, when Young replaced Franklin D. Murphy as UCLA chancellor, he soon named Saxon, who had been chairman of the physics department and dean of physical sciences, as academic vice chancellor. Saxon's responsibilities grew, and he came to be called *the* vice chancellor, clearly the No. 2 man on the Westwood campus.

### Academic review

Saxon was quicker than most to realize that slower enrollment growth and permanently tight budgets mean drastic changes for the University. After termination of state-financed summer quarters and other budget cuts had deprived UCLA of more than 200 faculty positions, Saxon insisted on a review of the entire academic program, with an eye to preserving campus strengths and eliminating the weak spots.

The success of this venture is in dispute. Three departments were phased out — journalism, physical education and speech — but the latter two resurfaced under new names, and the handling of journalism left a sour taste in the mouths of department faculty and outsiders whose advice was sought. However, some say the review focused campus attention on the preservation of quality in a time of scarce resources, even if it yielded few specific results. In any event, Saxon gained a reputation as a handy man with the academic ax.

Last summer, he was invited to Berkeley on a part-time basis, given the new title of University provost and asked to do long-range thinking. Describing the new job, he once said, "If something needs an answer in three days, I'm not the one to ask." For nine months Saxon has shuttled between Berkeley and Westwood, attending meetings on such subjects as the regionalization of the UC library system, sharing computer facilities and deciding which UC campuses would concentrate on what academic areas in the future. Again, specific results have been few but the months as provost provided an unintended benefit; they made Saxon familiar in detail with the problems he will face as president.

Much of this work, like most of Saxon's career, has involved the academic nuts and bolts of the UC system. It is this kind of essential but unglamourous work for which the soft-spoken new president is known. He is not known for his ability to dazzle an audience. Nor does he appear to have the kind of personality that impresses state officials or legislative committees. Some regents think Saxon can learn this part of the job. Others think he will have to find someone like Chancellor Young to be the University's public voice while the president concentrates on making the machinery work.

California State University and Colleges system is an astonishing feat of bureaucratic endurance. He has managed to get along with his Board of Trustees when its dominant members were moderate Democrats appointed by Pat Brown and also when they were conservative Republicans appointed by Reagan. Some think he will manage another accommodation with the new Governor Brown. But Brown made some unflattering comments about Dumke during the gubernatorial campaign, and it would not be surprising if he encouraged the trustees to seek a leader whose abilities go beyond survivalism.

Brown could do the state university another favor by appointing able people to its governing board, instead of paying off political debts with these appointments, as both his father and Reagan frequently did. With a few excellent appointments to the trustees, and to the UC Board of Regents, Brown probably could do more to help California higher education through a period of uncertainty than he could by attending a hundred meetings and asking a thousand questions.


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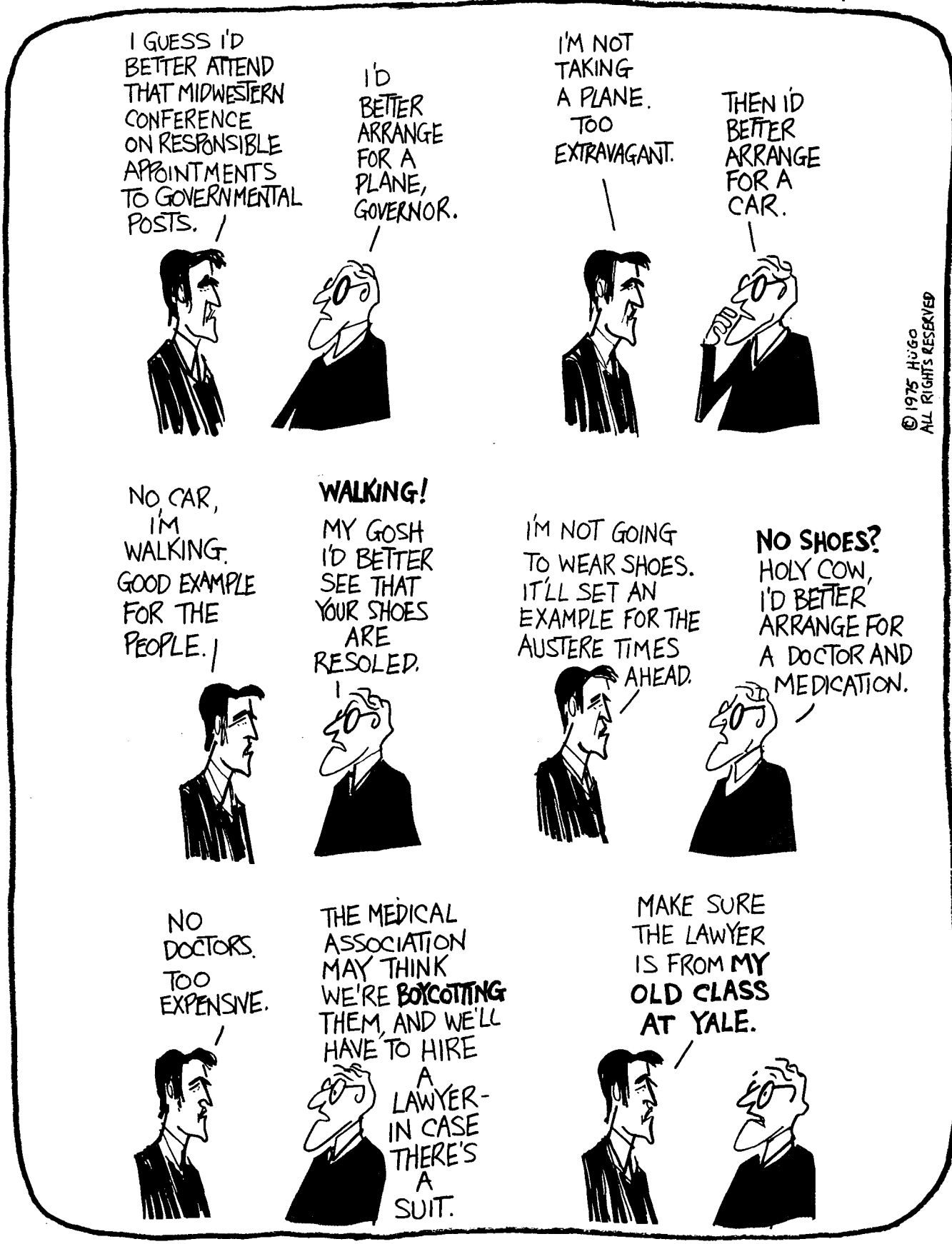
# Caucus

by HUGO


I GUESS I'D BETTER ATTEND THAT MIDWESTERN CONFERENCE ON RESPONSIBLE APPOINTMENTS TO GOVERNMENTAL POSTS.
I'D BETTER ARRANGE FOR A PLANE, GOVERNOR.
I'M NOT TAKING A PLANE. TOO EXTRAVAGANT.
THEN I'D BETTER ARRANGE FOR A CAR.
© 1975 HUGO ALL RIGHTS RESERVED
NO CAR, I'M WALKING. GOOD EXAMPLE FOR THE PEOPLE.
WALKING! MY GOSH I'D BETTER SEE THAT YOUR SHOES ARE RESOLED.
I'M NOT GOING TO WEAR SHOES. IT'LL SET AN EXAMPLE FOR THE AUSTERE TIMES AHEAD.
NO SHOES? HOLY COW, I'D BETTER ARRANGE FOR A DOCTOR AND MEDICATION.
NO DOCTORS. TOO EXPENSIVE.
THE MEDICAL ASSOCIATION MAY THINK WE'RE BOYCOTTING THEM, AND WE'LL HAVE TO HIRE A LAWYER- IN CASE THERE'S A SUIT.
MAKE SURE THE LAWYER IS FROM MY OLD CLASS AT YALE.



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# Behind-the-scenes look at a political ritual

By PETER KAYE

It was a chill, windy Wednesday in October when the candidate's car pulled up in front of the Tribune Tower in downtown Oakland. Inside publisher Joseph Knowland's office on the top floor, the atmosphere was only slightly warmer. As Houston I. Flournoy puffed his way through his first pack of Salem Longs, a group of editorial writers did little to help Political Editor Gayle Montgomery keep the conversation going. Then — half an hour late for his 10 a.m. appointment — came "Young Joe" novitiate publisher and heir to one of the great Republican names in California. "What," harrumphed the Senator's son, "are you going to do for Oakland?" Flournoy squirmed and coughed and lit another Salem. Finally, he allowed that whatever a governor or the state could do for Oakland would have to be matched in San Jose, Long Beach, Sacramento and other cities of that size. Knowland, as unhappy with the answer as Flournoy was with the question, broke up the meeting a few minutes later, leaving the candidate with a sinus headache and the uneasy feeling that he might have blown it with one of the most Republican newspapers in California.

But a campaign trail has its ups as well as its downs, and two days later in Sacramento everything was coming up roses. The sun was out, the sky was blue, the headache was gone and the welcome mat was out at the door of another new editor, C.K. McClatchy of the Sacramento *Bee*. Here, the questions were sharp and probing. Would Flournoy have a kitchen cabinet? Whom would he appoint to the UC Board of Regents? Where was he getting his campaign money? The candidate, in turn, was never better. Weaned on the *Bee*'s editorial policy throughout his 14 years in elective office, Flournoy followed every twist and turn and nuance. As the questions grew tougher, his answers became more incisive, his mood more confident, his stance more moderate.

The very air hummed with friendly vibes when Political Editor Richard Rodda, a man known to devour Republicans as he used to the olives in his martinis, prefaced a question with: "Hugh, as a moderate in the great tradition of Hiram Johnson, Earl Warren and Tom Kuchel, don't you think. . . ?" As C.K. accompanied the candidate to his car, he told Flournoy that his performance, his philosophy, his positions would make an editorial endorsement very difficult for the liberal-leaning McClatchy Newspapers.

That decision — at the *Bee* as well as at the *Tribune* — wasn't long in coming. As it has in every governor's election for the last two decades, the *Bee* endorsed Democrat Jerry Brown. And, maintaining an even older tradition, the *Tribune* without hesitation endorsed Flournoy.

Irrational as they seem, these incidents are not untypical. In San Francisco, Flournoy had a strong ally in conservative Charles Gould, editor of the *Examiner*. His own positions were much closer to those of the newspaper than were Brown's. So, the *Examiner* became the only other major newspaper in the state to endorse Brown. But at the *Chronicle,* which is liberal every day of the year except endorsement day, tradition prevailed and Flournoy's name was added to the long list of Republicans who have been backed for governor.

Out of this comes the inevitable question: Why try? Why add one more burden to a candidate's already overloaded campaign schedule — especially if he is unlikely to alter age-old editorial traditions or to change the minds of those mysterious moguls who make newspaper policy?

One answer is that the quadrennial visit to editorial offices is a ritual dance that once had meaning, but no longer has. Like the $100-a-plate dinner, in which most of the attendees would just as soon give the money and stay at home, the sit-down session with editors may soon become a political relic.

A more plausible explanation is that these visits still do some good. Exhibit A for this line of reasoning is San Diego County. One week before the November 5th election, all polls there showed Brown leading Flournoy by about 10 percent. Then the newspaper endorsements began coming in. First, the San Diego *Union* and *Evening Tribune:* Powerful, Republican, expected. Then the suburban dailies — Escondido, Oceanside, El Cajon: Influential and independent. Finally, the weeklies: Unpredictable in endorsement and effect. The result: A clean sweep for Flournoy and a 54,000-vote margin in San Diego County on election day. A cause-and-effect too strong to be brushed aside.

### Early start

How were these endorsements obtained? The San Diego County story is typical of the technique used all over the state.

The key element is to start early. Newspaper editors are no dumber than other voters. While they might ask what a candidate has done for them lately, they also will examine his record in office. Even more important, in direct relation to the distance from Sacramento, is how much attention an office-holder or candidate pays to local publishers and editors. There is no place in California farther from Sacramento than San Diego County. In eight years of statewide office, Flournoy made himself known to local editors. And in the early days of the primary campaign, when interest was low and time plentiful, he fol-

*Peter Kaye, a veteran California political reporter, served as Houston Flournoy's press secretary during the 1974 gubernatorial election campaign.*


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## The candidate's guide to editorial endorsements

Newspaper ivory towers vary in opulence, but there are some things they all have in common. There also are some important differences. For anyone crazy enough to be a candidate or run a statewide campaign, here is what you can and cannot expect:

- Try not to discuss religion, politics, race or women's lib. In all of the editorial boards, I did not see one woman, black or clergyman. And there were remarkably few political writers.
- Watch out for your friends. They are more depressing than your enemies because they'll try to give you advice, especially if you're running behind.
- The only place that serves food is the Los Angeles *Times*. It's good, too, and it's one of the few places on the campaign trail where you can eat uninterrupted by questions from political writers, Dick Bergholz, Ken Reich or Bill Boyarsky. Their bosses do all the talking.
- The San Diego *Union* and Sacramento *Union* (at least before Copley sold it) used their editorial conferences for tape-recorded interviews. But your answers don't matter. If you're a Republican, you'll be endorsed. If you're a Democrat, forget it.
- Sometimes, the best questions are asked in the most unlikely places, like Palo Alto.
- Sometimes the worst questions are asked in the most likely places, like Oakland.
- Pay no attention to political writers when it comes to their paper's editorial policy. Usually, they are not invited to attend and their opinions are seldom heeded because publishers don't want their prejudices cluttered with facts.
- Sometimes you'll find that editors don't really want to talk to you.
- When in doubt, talk about the public's right to know or deplore the high price of newsprint.
- Don't assume that anyone will know who you are. After all, newspapers are printed to inform the public. There is nothing that says editors and editorial writers have to read them.
- If you think newspaper editorial boards are bad, wait until you visit your first radio and television station.

lowed up with visits to newspapers, radio and television stations. Inevitably, these visits resulted in stories. Even more important, they laid the groundwork for future endorsements.

As the campaign heated up after the primary, Flournoy concentrated on the larger papers. Ritual visits were made to the *Union* and *Tribune,* although their endorsements were never really in doubt. A steady series of position papers flowed out to every newspaper, radio and television station in the state. Not many of these made their way into news stories. But some were quoted in editorials and many were cited in the eventual editorial endorsement.

### Personal touch

In at least two key cases, personal attention made the difference. Acting on a tip that Lowell Blankfort, the strongly liberal editor of the Chula Vista *Star-News* was disenchanted with Brown, Flournoy sandwiched a visit to his tiny office between campaign stops. Blankfort responded with a ringing endorsement that not only was effective in his own area, but was distributed by the campaign in Democratic areas throughout the state. The other special case was Earl Davis, publisher of the *Voice-Viewpoint*, which circulates in San Diego's minority community. On election day, he urged his readers to vote a straight Democratic ticket, except for governor.

Flournoy's virtual clean sweep of editorial support around the state included endorsements from such other Democratic stalwarts as the Ventura *Star Free Press* and the San Luis Obispo *Telegram Tribune.* He won endorsements in every major city except Fresno, dominated the suburbs and was the overwhelming choice of papers in small towns and rural areas.

Realizing that newspaper endorsements could be critical in a campaign in which neither candidate was well known, Flournoy sent personal letters to every publisher in the state during the final days. The results can be measured only in his last-minute surge that carried him to within three percentage points of victory.

The major disappointment was the inability to sway the Los Angeles *Times* from its no-endorsement policy. Flournoy himself made a soft sell at a *Times* editorial board meeting. And some of his key financial backers brought pressure on *Times* publisher Otis Chandler. But the newspaper stood firm. Its failure to follow a tradition of backing Republican nominees can be measured by the fact that Brown's winning margin was achieved in Los Angeles County.

### Broadcast endorsements

Flournoy's success in winning newspaper endorsements was not duplicated among those television and radio stations that made recommendations. The two candidates split the endorsements of the big CBS stations — Flournoy winning San Francisco and Brown, Los Angeles. But by selecting actor Charlton Heston to respond to the endorsements of Brown by station managers of KNX and KNXT in Los Angeles, Flournoy may have won more votes than he lost.

When he spoke for himself inside the editorial board meetings, Flournoy was candid and consistent. There was no attempt to modify his views to fit the predilections of his hosts. But, obviously, he was aware of where he was. Law and order might dominate the session in San Diego, land planning in Los Angeles, and farm labor in the San Joaquin or Sacramento Valleys. In most editorial board sessions, the questioning is dominated by the boss — whether editor or publisher. And although the exact process is usually not known to outsiders, it can be assumed that this is the person who will make the decision on whom to support.

### Second thoughts

When a candidate wins the support of most of his state's newspapers, there is little reason for second-guessing his tactics. But if the race were to be run again, there would be these lessons to heed:

- Take nothing and nobody for granted.
- Pay more attention to radio and television stations.
- Try to line up support earlier, especially if you are running behind.

Finally, there is the matter of common courtesy — thank-you letters to those who supported you. What such a procedure augers for a defeated candidate's future is hard to tell. But it can't do any harm.


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# The Californians who lobby for those federal dollars

*My name is John Wellington Wells,*
*I am a dealer in magic and spells,*
*In blessings and curses and ever filled purses,*
*In prophecies, witches and knells.*
— Gilbert and Sullivan

By GIL BAILEY

John Carroll Wells regularly visits Washington in search of "ever filled purses" in behalf of the City of Long Beach. He is one of at least a hundred — and probably more — California representatives who spend at least $5 million a year in search of the billions of dollars spent by the federal government in California.

In some respects California lobbyists are expected to be magicians, to conjure up legislation or pry a few more millions of dollars out of the bureaucracy. There is, for example, the time Los Angeles City Police Chief Ed Davis requested a submarine to sink dope smugglers in Los Angeles Harbor. Apparently that request died in a City Hall budget hearing. On another occasion, San Francisco interests tried mightily to have the U.S. Navy refuel a paddle-wheel tug, the *Eppleton Hall,* in the North Atlantic as it was heading from England to San Francisco's Maritime Museum. The Navy did not comply, in part because it turned out that the vessel and its crew were adequately fueled.

The Navy, however, did track the tug's progress. And John Carroll Wells, with the help of then-Representative Chet Holifield, did convince the Navy to aid in docking the *Queen Mary,* which the City of Long Beach purchased for a museum and hotel, when a labor dispute threatened the project. Most of Wells' activities are more routine, although questions concerning the price of the oil Long Beach sells are of vital importance to the city.

### California interests

He and the other lobbyists serve a number of specific purposes as they represent California's governments, industries, unions, banks, farms, canneries, bays, mountains and people. Lists have only limited usefulness in determining the names and numbers of these lobbyists. The *Congressional Record* for November 25, 1974, lists registered lobbyists in a 10-page, single-spaced roster that includes 106 reports of expenditures on behalf of California interests. This list, however, is not definitive and, in some respects, is more interesting in its gaps than in the information it does provide. The Sierra Club is listed, for example, but El Paso Natural Gas — a company that can (and does) dictate the utility bills of most of Southern California — is not. The California Department of Water Resources is listed, but the State of California with its office in Washington is not. Nor is the University of California. Union Oil is listed, and FMC (formerly Food Machinery Corporation) is not. Common Cause is listed, but the growing representatives of California city and county government are not.

### Lists and lists . . .

There is a better list, but unfortunately it can no longer be copied and the names it contains are no longer matched up with business interests. However, the membership roster of the California State Society is its own *Who's Who* of California Washington representation. It has 800 members, paid, and an examination of the roster shows that little more than a hundred of those names appear to come from Capitol Hill, members of Congress or their staffs. About 50 can be associated generally with the press. Perhaps another couple of hundred names are transplanted Californians in the federal agencies — such as Caspar Weinberger, secretary of Health, Education and Welfare — and the rest represent some other, explained or unexplained, California interest. "The lobbyists are always paid up," said Pat Roland, who, as administrative assistant to Representative Charles Wiggins of Fullerton, also maintains the society's membership files. The society, afraid that someone might use the file for business purposes, keeps its membership roster private. Its parties, however, are a fascinating combination of the sociological and the political.

In describing California lobbyists, or "representatives" (as many wish to be called), it is best to ignore the federal definition. Representatives of local governments went to court recently in *Thomas Bradley et al.* to block Justice Department plans to prosecute them for failing to register as lobbyists under the Federal Regulation of Lobbying Act. Federal District Judge Gerhard A. Gesell ruled them exempt as long as they act under authorization of a public official and receive their sole compensation and expenses for lobbying activities from public funds. Despite that legal definition, and some others, a fairer way of defining "lobbyist" is to say, simply, that a California lobbyist is anyone who attempts to influence legislation or federal action concerning a California business, interest group or individual, or government agency.

There are many reasons for California representation in Washington. The proposed federal budget is close to $350 billion, and that budget can make or break the State of California, its cities, counties, schools, rivers, coastline, bays, industries, unions, farms and individu-

*Gil Bailey is a member of Ridder Publications' Washington bureau. He contributed "Why congressmen are quitting" in the May 1974 issue and "Who's who among the state's Washington correspondents" last November.*


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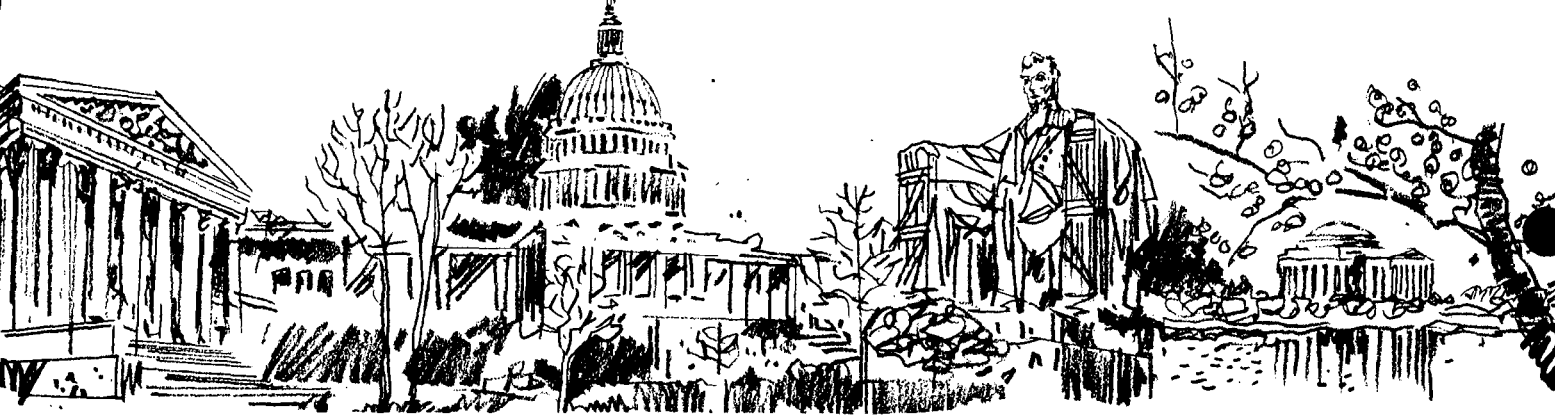

als. Representation of the state's needs is necessary, and the state's 45 members of Congress admit that they need the help of the specific information lobbyists can provide. Two examples of the work of these men and women illustrate why both government and industry are willing to spend the sums they do to maintain a presence here.

*Case of the fire-fighting tanker.* Engineers in the San Jose plant of FMC Corporation developed a box that fits into the belly of an Air Force cargo plane to transform it into a giant aerial fire-fighting tanker more effective than the smaller, private aerial tankers. The box system then cost a little more than $1 million. Walter Thomas, Washington representative of FMC (whose government contracts run into many millions of dollars) was interested in selling a few of these units in time for the California fire season. He faced two problems:

- He had to convince the U.S. Forest Service to seek a supplemental appropriation to purchase the units, an appropriation Congress was ready to approve.
- He had to deal with the objections of the private operators of aerial tankers, who did not want competition from the government.

Eventually, a compromise was reached: The Forest Service would call out the Air Force Reserve cargo planes only when private tankers were unavailable. Thereupon, eight units were sold.

*Case of the transit bill.* Howard Watkins, Washington representative of Santa Clara County, had a different task. His county has embarked on an expensive mass-transit program tied to last year's mass-transit bill. Watkins worked hard for passage of a comprehensive, long-term transit bill, but as the end of 1974 approached it appeared that only a short-term bill, favoring entities such as New York City and the San Francisco Bay Area Rapid Transit District, could gain congressional approval. At this point city representatives, including San Jose, county seat of Santa Clara County, threw their weight behind a short-term bill. Watkins continued to fight for the comprehensive legislation Santa Clara County sought. The struggle climaxed at a White House meeting in which President Gerald Ford bluntly told the mayors that there would be a long-term bill or no bill at all. And, eventually, he signed a six-year, $11.7 billion transit act. Watkins now spends much of his time in the offices of the Department of Transportation, searching for those "ever filled purses".

### Common conflicts

The conflict between public jurisdictions, in this case between cities and counties, is not unusual. There has been a running battle, for example, between cities and counties over whether counties with large urban, unincorporated areas have some control over housing and urban development funds. That conflict is particularly acute between such cities and counties as San Jose and Santa Clara County or the City of Los Angeles and Los Angeles County.

The representatives of government and the representatives of industries and special interests operate in almost the same manner. With 100 senators and 435 House members, no lobbyist can hope to reach every member effectively. So the lobbyist concentrates on specific members of congressional committees and their staff members. On transit, for example, Watkins worked through the offices of Representative Glenn Anderson, perhaps the only effective friend of transit on the House Public Works Committee. Wells long used Holifield's office as his base in the House. Darrell Stearns of Los Angeles and Joe Pollard, the Los Angeles County representative, tried hard to get Representative Del Clawson to return for a key vote in the House Rules Committee during the transit battle. (Their efforts may have been misdirected, as Clawson was ready to vote against the rule to permit the legislation to come to the floor, but the principle was sound — reach the lawmaker whose vote counts.)

### Key votes

Some issues require an all-out effort to reach every vote possible. The following examples illustrate these kind of issues:

- On July 30, 1971, the House voted on legislation authorizing a loan to the ailing Lockheed Aircraft Corporation. Lobbyists for both the corporation and the unions involved had visited almost every member of the House, particularly California members whose districts included Lockheed employees. The bill passed, 192 to 189, and the California votes, 29 for and 6 against, were critical.
- A second vote, which again reflects an all-out lobbying effort, occurred on July 24, 1972, when a bill came before the House to allow domestic food growers, manufacturers, packers and distributors to sue the government because of a ban on using cyclamates as a sweetener in canned fruits. The issue was vital to several areas of California. Ralph Nader was leading the opposition but two rare allies from opposing ends of the political spectrum — Representatives Jerome Waldie and Charles Gubser, both now retired — won the day, 177-170. Gubser did not vote because he had owned a fruit ranch and been a member of a fruit cooperative. The vote in the delegation was 25 to 6 with California again producing the margin of victory in the House (though the legislation died in the Senate).
- On September 11, 1973, the House voted on legisla-

## CORRECTIONS

In the March issue ["Where women are winning," p. 77], the National Women's Political Caucus was incorrectly identified as the political arm of the National Organization of Women. The two organizations are independent, although there is a sizeable overlapping of membership. Also, the conviction of former Lieutenant Governor Ed Reinecke was for perjury, not bribery as erroneously indicated in Newsmakers.


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## The care and feeding of California lobbyists

The private California lobbyist in Washington, D.C., does not make public his or her total expenses, but the growing numbers of persons representing California governmental agencies are required by law to do so. Washington representation does not come cheap, a survey of some city and county offices showed. Industrial–lobbyist costs are probably even higher.

The best single clue as to how Washington representation works, however, comes from the city and county offices. The offices of the cities of San Jose, Long Beach and Los Angeles, and the counties of Los Angeles and Santa Clara were surveyed.

*The City of Long Beach*, for its size, has the biggest single lobbying operation. It spends at least $250,000 for its Sacramento and Washington representation and has its own special department for such activities. The city's long struggles over such issues as its tideland-oil properties, subsidence, and acquisition of the *Queen Mary* help explain its lobbying interest. The city's primary representative here is John Wells, who is on a $30,000 per year retainer and up to $17,500 for expenses. Jack Crose, the city's Sacramento representative, gets a retainer of $26,400, plus $5,000 for expenses. In addition, the city employs Frank Burns and E. Del Smith to work on such matters as oil, prices and wages, and labor. In Washington, the city also is represented by a retired admiral, William Thompson, a former chief information officer for the Navy, who looks out for Long Beach's shipyard at a cost split between the city, the Board of Harbor Commissioners and the Long Beach Navy Shipyard Employees' Association.

*The City of Los Angeles* follows a more typical lobbying pattern in hiring Washington representation from the League of Cities at a cost of $71,168. This includes its own representative, Darrell Stearns, who earns $29,000, and Arthur Rogers, at $18,500, plus the services of a secretary.

*Los Angeles County* spends $102,871 a year. The chief representative, Joe Pollard, receives $35,544 in salary, and former CIA employee Burt Wright, $22,404; Wright is a legislative analyst. The county provides up to $1,250 per month in expenses.

*Santa Clara County* has a one-man office, consisting of former newsman Howard Watkins, who previously functioned as aide to the County Board of Supervisors. Total cost of the office is up to $65,000 a year, with Watkins receiving $31,680 in salary, $1,860 for car allowance, $6,000 for travel, and up to $12,000 a year in expenses.

*The City of San Jose*, like the City of Los Angeles, has its representation provided by the League of Cities' Man-in-Washington Program at a cost of $43,458.

### Visiting firemen

There is one major expense for the California lobbyist that is not often considered — the care, feeding and entertainment of the home folk when they come to town, whether they be city council members, county supervisors, local-government staff or corporate vice-presidents. With first-class air fare of $478, the hotel $40 a night, and food and drink say $75 a day, plus incidentals, a four-day visit is going to cost about $1,000. And local bigwigs like visiting Washington. As an unkind reporter said about one mayor a couple of years ago: "I see more of him than a local congressman." This year, the mayor *is* the local congressman.

These things are big business. Nine persons from San Jose attended a recent League of Cities meeting in Washington. Long Beach had a delegation at least as large. Mayors Tom Bradley of Los Angeles and Joseph Alioto of San Francisco came, with adequate support. And so it went. Supervisors, too, are regular visitors, whether or not they have paid representatives in the Capitol. As one non-California local official was quoted by the Washington *Post* after a meal at a French restaurant, "It tastes even better when I think the taxpayers are paying for it."

tion to prohibit one state from levying a discriminatory tax on another state's wines. Some states, in the interests of protecting their wineries, put a higher tax on out-of-state wines than in-state wines. Since California is the nation's biggest producer of wines, and markets them nation-wide, such taxes discriminate against the state's product. The wine bill passed the House that day, 248 to 152, with the unanimous support of the California delegation (though it died in the Senate). Aside from the legislation's merits, from a California wine-maker's viewpoint, it is worth knowing, too, that the California Wine Institute annually puts on one of Capital Hill's better bashes.

There are, of course, other ways in which the effect of lobbyists can be studied. The industrial lobbyist group that generally gets the highest marks for effectiveness on Capitol Hill is that of Pacific Gas and Electric. (The same is not said of Southern California Edison.) Other lobbying efforts that draw praise are San Diego and Los Angeles counties, the City of Los Angeles, Building Service Employees, the railroads, Kaiser Industries and veterans' groups. "We're interested in those who will not tell you their side of the story but, when asked, will outline the objections," said Roy Greenaway, administrative assistant to Senator Alan Cranston.

### Lobbyist complaint

The major complaint regarding lobbying came not from the lawmakers, but from a representative of industry. Without referring specifically to the California congressional delegation, she complained that "those guys pass campaign-reform legislation and then ask for donations to this or that, which is clearly against the law they just passed."

On the other hand, there is no "Proposition 9" regulating political practices in federal government as Californians imposed last year on their state and local governments. And Washington is a very expensive town, one in which a $10 bill will barely buy a couple of Cokes and a hamburger in most restaurants. While there remains an undercurrent of hanky-panky here — there are some lobbyist-maintained "suites" in certain hotels where social intercourse is broadly defined — most of the entertainment today tends to be institutional and business oriented. And entertainment is a way of legislative life in Washington. So is lobbying. The two go hand in hand.


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# The administrator and the activists

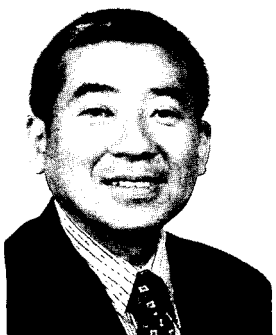
Many of the first appointees of Governor Edmund G. Brown Jr. came from the same mold — young poverty lawyers with Ivy-League educations and virtually no experience in government. A common criticism: State government under Brown would be desperately short on administrative experience, thought to be a vital element in moving the massive Sacramento bureaucracy. So what happened when Brown appointed Taketsugu Takei, 45-year-old former public defender and long-time public servant, as director of the highly visible state Department of Consumer Affairs? Consumer activists promptly accused Brown of making an extraordinarily disappointing selection. Explained Kay Pachtner of San Francisco Consumer Action: "He may be a good administrator, but the question is whether he is going to be able to rally the support of consumers so they understand the problems they face. Can he understand them himself?"

Just before the close of the Reagan administration, Pachtner's organization had published a scathing attack on the department's performance under the Republican governor. In short, the San Francisco organization accused the department of being lax in enforcing consumer-protection laws and indifferent to the problems of consumers. Actually, the criticism would have been more accurately directed at the Legislature, which must take action before the basic structure of the department — 34 largely autonomous boards, commissions and bureaus — can be changed. Most of these boards and commissions are licensing agencies run by representatives of the industries they regulate. With the change of administrations, however, consumer activists felt that, somehow, the department would become far more aggressive in the protection of California consumers.

### Competence or 'cronyism'?

San Francisco Consumer Action and other consumer groups recommended individuals for appointment as director of the department, and Pachtner was one of those interviewed. But there was no consensus among these groups, and this was one of the reasons why Brown looked farther afield for a strong administrator to take over the department, according to Rose Bird, secretary of the parent Agriculture and Services Agency. Bird concedes that Takei, who worked with her and her chief deputy, Stephen T. Buehl, in the Santa Clara County public defender's office, does not come from the ranks of the consumer movement. (Pachtner charged that the Bird-Buehl-Takei chain of command "smacks of cronyism".) But, Bird said, Takei has far more important qualifications, such as:

- The ability to work with local district attorneys and other officials with prime, grassroots responsibility for cracking down on unscrupulous businesses.
- The toughness and coolness under fire absolutely essential for this post.
- The kind of administrative skill to work well with other state departments and coordinate the activities of the many bureaus, boards and commissions.
- The will to make the most of the powers the department has that were not employed fully by the previous administration — such as subpoena power and the ability to conduct investigations.



Taketsugu Takei

But this has not placated the consumer activists. Leesa Speer, chief of the Sacramento County consumer protection bureau, questioned whether the Governor's interviews with Pachtner and others in the consumer movement "were a meaningful or meaningless gesture". Probably the kindest comment came from another critic, Roy Alper, lobbyist for California Action Group, who said that at least the Santa Clara Public Defender "is a public-interest agency. It is not Standard Oil." It is clear that the Pachtners, Speers and Alpers would be satisfied only with the appointment of someone from within their own ranks.

### Scale of struggle

Takei, who spent World War II interned in a camp for Californians of Japanese descent (as was the new director of corrections, Jerry Enomoto), faces a difficult task of meeting the expectations of the consumer groups. This is because much of what they want will require legislation to put more public members on the boards and commissions regulating key industries in California. Imagine, for example, the scale of the struggle if he tries to give laymen control of the Board of Medical Examiners. The state's Little Hoover Commission, in a report on the Department of Consumer Affairs, found that it was not really an executive agency but a group of licensing boards held together by a set of staff services. Several years ago, the late Senator George Miller Jr. and Assemblyman John T. Knox attempted to abolish the Board of Dry Cleaners. They lost the campaign, which assumed the magnitude of a struggle over, say, fluoridation of water supplies.

Just how committed is the Brown administration to the cause of consumers? The Governor seems to be taking a middle road in the operation of the Department of Food and Agriculture, where many key consumer issues are decided. But shortly after Takei was appointed, the Governor personally took a small but perhaps significant step in vetoing a bill by Republican Assemblyman Dixon Arnett that had cleared the Legislature without a dissenting vote. The measure would have reduced the size of print in contracts for private educational courses. Brown said the reduction "might make a tidier looking contract, but at the expense of consumer protection."

As for Takei, it remains to be seen whether more can be accomplished by a cool administrator than by a vocal advocate.

ED SALZMAN



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# The collective-bargaining issues:

- *Who is covered*
- *Scope of negotiations*
- *Resolving deadlocks*

By BRUCE KEPPEL

You know the story about the bachelor who's just waiting for the perfect woman to come along. When he finds her, she's waiting for the perfect man.

The question of collective bargaining for public employees is in something of the same sort of situation. Last year, when any collective-bargaining bill that the Legislature might pass was fated to a veto by Governor Reagan, support for the idea could trip rather more lightly off the tongue of lawmakers and lobbyists than today, without Reagan's out-front opposition. At the same time, public-employee groups, like the bachelor in question, could sit back and await the arrival of the new year, the new governor and a more perfect union.

So here we are in 1975, a year when it is widely expected that something will happen in the field of public-employee relations. And here are the employee groups, such as the California State Employees Association, still sounding as if it were no longer a question of *if* but of *when*. And the lawmaker opponents are much more vociferous than last year, when an opposition consensus grouped around a bill introduced by Senator Randolph Collier with Reagan's blessing, a bill that, despite its defects from a labor viewpoint, spoke of "collective negotiation" for local-government employees. [See "Government as boss," *CJ*, June 1974.]

## Meet SB 275

The vehicle for continuing the debate this year is Senate Bill 275 by Senator Ralph Dills (among other lawmakers). SB 275 traces its ancestry to former Speaker Bob Moretti's Assembly Bill 1243 last year, which failed in Senate committee last summer after having cleared the lower house with ease, and to proposals authored by Dills every year since 1971. It is not the only legislative proposal introduced so far this session but, being the most comprehensive, it offers something for virtually every interested party to either like or dislike. As written, however, employee groups find a good deal more to like in SB 275 than does management. Beyond that, there is a certain legislative nucleus, which has found a willing spokesman in the Senate minority floor leader, George Deukmejian, that is opposed to collective bargaining for public employees.

SB 275 would repeal current law dealing with public-employee relations — the Winton Act for school districts, the Meyers-Milias-Brown Act for local government, the George Brown Act for the state, and various Labor Code sections relating to fire-fighters and Public Utilities Code provisions covering transit districts.

The new language would embrace workers in all these categories — some 1.5 million in California. It would create a Public Employee Relations Board to administer the new law and the detailed procedure it contains for resolving negotiation deadlocks. In disputes over provisions to be included in a collective-bargaining agreement, the procedure includes, successively, mediation, fact-finding and, if the fact-finders' recommendations are rejected by either side, strike or lockout. In matters of grievances over interpretation of an agreement's provisions, SB 275 allows for final and binding arbitration (but only covering the specific points agreed to by both sides).

This year, as last, the areas of conflict boil down to questions of defining procedures and rights in three areas:

**Scope of bargaining.** Just what can be bargained is a key issue. Generally speaking, it is to management's interest to have the scope of bargaining drawn as narrowly and specifically as possible; for labor, the reverse is true. As written, SB 275 favors labor's position, defining "scope of bargaining" as "wages, hours, and other terms and conditions of employment; provided, however, that nothing in this chapter shall preclude the parties from mutually agreeing to negotiate over any other matters." In other words, the scope is broad.

**Impasse procedures.** The point of any employee-relations agreement is to establish a workable method of resolving conflicts between the two sides that arise during negotiation. SB 275, as Moretti's bill last year, sets forth a very detailed schedule of procedures leading to strikes and lockouts, in the case of interest disputes, and final and binding arbitration, in the case of rights disputes. These are ultimate acts, however, and are authorized only after other specified recourses have been exhausted.

**Exempt personnel.** Management wants supervisorial, confidential and managerial personnel very carefully described and, generally speaking, done so in such a way as to exempt the maximum number of employees; for labor, the reverse is true. In either case, the reason is one of relative power: Management wants to protect its ability to carry on in the event of a strike or lockout, and labor wants to strengthen its ability to withhold workers' services.

## Right to know

There is an additional area of conflict this year as well, that of respecting the public's right to know, since whatever settlement will be financed by the taxpayers and administered by their representatives. Charles L. Baldwin, principal consultant to the Senate Governmental Organization Committee, which held hearings on


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### *if the two sides deadlock . . .*

When negotiations reach a point where differences on either side are so great that further meetings seem futile, Senate Bill 275, as written in March, provides the following procedure — to seek resolution of the impasse:

- State of impasse declared by either side or the state Public Employment Relations Board, which appoints a mediator.
- If settlement isn't reached within **10 days**, either party may request that their differences be submitted to a fact-finding panel composed of a member designated by each side and a "chairperson" selected by the two members — a process limited to **one working week.**
- The panel has **30 days** to seek resolution.
- It then privately submits its findings and recommendations to the parties and the state board, and negotiations resume for at least **10 days.**
- If impasse remains, a **7-day period** is allowed for employees to vote secretly on the fact-finders' recommendations and the "legislative body of the public agency" to vote on them at a public meeting.
- If either party rejects the recommendations, the employees may strike and the public employer declare a lockout after **7 additional days'** written notice to the other and the state board.

A total of at least **70 days** is thus provided between the time an impasse is declared and when "ultimate weapons" can be deployed.

Dills' bill last month, outlined this problem in these terms for the committee members:

> It is generally recognized that parties that bargain collectively tend toward rhetorical positions when bargaining in the view of their constituency. Therefore, it is generally conceded that, for the process to work, parties must bargain collectively in executive session.

To permit secret negotiations and still assure public review, SB 275's authors, Baldwin pointed out, will try to resolve the conflict between negotiating needs and public rights by requiring public hearings of any agreements before they can be adopted.

**Cost factor**

A new element to the debate has been injected this year — that of what collective bargaining will cost. As labor groups and Baldwin himself pointed out last month, negotiations under the present management-skewed system of "meet and confer" cost something. So it is a question of the cost of running the new Public Employment Relations Board as well as of whatever *additional* management salaries may be required to handle bargaining with the various separate jurisdictions at each level of government. There is no doubt that collective bargaining will be more expensive, but there is no agreement yet as to how much more. Estimates made last month by the state Department of Finance and the legislative analyst vary widely. So far, they have been used more for political ammunition at the hearings and in the press than for answering the relevant question of how much net new cost will be involved. (To Senator Deukmejian's demand for a financing provision in SB 275, Dills begged off by replying: "When a responsible group comes up with a responsible set of figures, I will give you a responsible answer.") Then, later last month, Finance Director Roy Bell told Dills' committee he had no accurate idea of what the measure's fiscal impact might be.

**Degree of consensus**

In Baldwin's report to the members of the Senate Governmental Organization Committee last month, he sought to spell out an area of consensus as the 1975 debate got under way:

> The proponents and opponents of this measure are too numerous to list. Nonetheless, it would be fair to say that public-sector management at the local level appears, in general, to have substantial concern over the provisions of SB 275, while at the same time favoring a comprehensive collective-bargaining statute. On the other hand, public-sector employee organizations generally favor passage of SB 275 while, at the same time, they express concern over one or another of the provisions which they feel would have a direct effect on their organization's ability to represent public employees.

Such a situation obviously calls for negotiation, and consideration of amendments to SB 275 — round two — will provide some measure of how tough a fight lies ahead. Beyond that remains the final stand of Governor Edmund G. Brown, Jr., who endorsed the principle of collective bargaining last fall but has proved surprising to some in his fiscally conservative approach so far in office. Brown last month did call SB 275 "a very well thought-out piece of legislation" but acknowledged the need for "some adjustments", which he didn't specify.

**Public-sector strikes**

Another area of great rhetorical attraction is that of the ultimate weapons for dealing with deadlock: the strike and the lockout. Strike is labor's ultimate weapon; the lockout, management's. But the question of whether providing for a strike or lockout in the public sector will encourage or discourage such behavior by public employees is beside the point, according to those representing both management and labor. Strikes in the public sector *do* take place regardless of whether they are provided for in law, ignored or banned.

In California, state law is silent on the question; so whether or not a collective-bargaining law includes a right to strike is more or less irrelevant to labor. (As CSEA General Manager Walter Taylor pointed out at last month's hearings, there were some 46 strikes in the public sector in California last year alone.) What labor doesn't want, however, is a prohibition *against* striking. But what is the assurance, even if public-employees are banned from striking, that they will obey the law when they feel their grievances legitimate?

Those who deal with public labor relations recognize that the issue is not one of granting or withholding the right to strike but, rather, of creating a procedure to eliminate the need to strike. "Collective bargaining is an acceptable concept," said Michael Arnold, a lobbyist for the League of California Cities, one of the proponents of the Collier measure last year. "We would like to work out a bill." A major hangup for the cities, Arnold said, is the provision of final and binding arbitration in ques-

Please see BARGAINING, page 138



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# How local-election laws help keep Chicanos out of office

By DOUGLAS MARTINEZ

Chicano political power at the local level was the promise seen by many Mexican-Americans in 1970 after a landmark election in Crystal City, Texas. As Chicano candidates won seats on the school board and city council in the south Texas town, activists hailed the victory as a harbinger of things to come throughout the Southwest. Coinciding with the rising Chicano movement, the election spurred Mexican-Americans to ever greater efforts in working to improve living conditions for their people.

But in California five years later, that promise remains only a possibility rather than reality. To be sure, Chicano political participation — with some startling exceptions (Los Angeles, for example) — has increased in numbers and influence throughout the state. But Chicanos remain blocked in some significant ways, such as gerrymandered election districts, not to mention their own lack of political unity.

Numbers are an important first barometer of Chicano political participation, and there is a consistent underrepresentation of Chicanos in elective office. Comprising about 16 percent of the state's population, Chicanos hold only 212 city and county offices, according to *Aztlan*, a Chicano journal of social science and art.

And Los Angeles' Chicano population, which is estimated at 1.2 million, has failed to elect a Mexican-American to the Board of Supervisors or City Council. Election districts that split the Chicano community into several segments are largely to blame for this, but political disunity among Chicanos is also a factor. For example, Los Angeles Councilman Arthur Snyder, an Anglo Republican whose district is about 50 percent Chicano and 70 percent Democrat, was forced into a recall election last March by Chicano activists. But when five Chicanos competed for his council seat, Snyder was able to beat back the fragmented challenge.

If Crystal City found any echo in California, it has been only in such small, rural areas as Parlier (population about 2,000).

### Voter apathy

A recent University of California study of voting patterns indicated relatively low participation by voters with Spanish surnames. One explanation for this apathy smacks of *Catch-22* logic, observed G.G. Gutierrez and Caesar Sereseres, in the Los Angeles *Times*:

> Chicanos do not vote in great numbers because they feel alienated from the political process. Candidates seldom address the real problems of Chicanos — the largest ethnic minority in the state — because they do not vote in great numbers. Chicanos feel alienated precisely because candidates do not address themselves to their problems.

Nonetheless, the number of Chicano officials is increasing. In January a Chicano, Jess Haro, was appointed to the San Diego City Council. And Chicanos hold seats on the boards of supervisors in Fresno, Santa Clara and San Francisco counties, on the city councils in Sacramento, Fresno and San Jose, and on school boards in Los Angeles and Fresno.

### City-wide elections

To hasten the day of proportional Chicano representation, though, an important stumbling block will have to be removed — the widespread practice of electing city council members on a city-wide basis. Chicanos in many California cities are effectively disenfranchised by this practice, which dilutes concentrations of minorities in the larger pool of the general public. Redlands is typical. There, where council members are elected at large, Chicanos have been unable to elect a Chicano, even though they comprise 15 percent of Redlands' population. The reason: Most of the Chicanos live in one area, which might constitute a council district if city elections were run on that basis. But they aren't.

### Chicano disunity

The point is that city-wide elections not only dilute a minority but, in the case of Chicanos, magnify the effect of ticket-splitting within the Chicano community. Last year in Colton, where 50 percent of the inhabitants are Chicano, two Chicanos sat on the City Council. In March, three Chicanos ran for council seats and two for mayor. All lost. As a result, only one Chicano is on the council today, and he wasn't up for election.

Ticket-splitting reflects the political disunity of Chicanos, which often keeps Mexican-Americans out of office. The "movement" and slogans of "Chicano power!" and *Viva la Raza!* may have stirred awareness of ethnic pride and political activism, but so far they have not yet developed a collective consciousness of the need for united political action at the grassroots.

Coachella, known mainly for its vineyards and violence between the Teamsters and United Farm Workers Union led by Cesar Chavez in their competition to organize farm workers, presents a Crystal City sort of opportunity for Chicano political development, since its population is more than 90 percent Chicano. But two major factions in the city's power structure have for years been battling one another. Two recall elections have been forced, and the city officials belonging to each

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*The author, a San Bernardino free-lance writer, reported for the Riverside* Press-Enterprise *from 1971-74.*



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faction have spent much of their time in intramural bickering instead of in creating a government that not only reflects the community's composition but also caters to its needs.

In other cities the conflict is aggravated by something of a generation gap separating older, traditional Chicano politicos, exemplified by the Mexican-American Political Association, and the younger, more radical political activists, such as members of La Raza Unida — a Chicano political party founded in Texas by Jose Angel Guitterez (who also engineered the Crystal City coup).

This division was illustrated last November. Chicano activists had placed a measure on the ballot to allow incorporation of East Los Angeles. If passed, East Los Angeles would have become the largest municipality in the nation controlled largely by Mexican-Americans. A homeowner's group and others, fearing higher taxes and, perhaps, the militancy of the measure's proponents, fought and defeated the measure within the community itself.

But if Chicanos have been kept out of the political structure to a large degree, they have succeeded nonetheless in using the political process to relate to specific needs of Mexican-Americans. Coalitions of Chicanos have petitioned to provide services to their communities in such basic areas as job-training and employment, education, and revenue-sharing.

SER/Jobs for Progress, a program that trains Chicanos and finds jobs for them, now has more than a dozen offices around the state through the efforts of Chicanos in getting local manpower financing. In education, community involvement has become a catchword as committees of Chicano parents and advisory groups help school districts implement and maintain bilingual-education and special-education classes for Mexican-American children. And community centers providing basic

health, welfare and recreational services in Chicano neighborhoods have also been helped by cities prodded to act by Chicano coalitions.

### Signs and portents

But the Chicanos' ultimate aim remains getting more Mexican-Americans elected to office in order to gain greater decision-making power over their own lives. This will require greater unity than has been demonstrated in the past. Whether political awareness has spread among Chicanos to such a point remains to be shown.

The campaign of Ed Avila may provide a clue. Avila, on leave of absence as field representative for Congressman Edward Roybal, is making the Chicano banquet circuit and hustling for votes in his bid to become the first Chicano to sit on the Los Angeles City Council in more than a decade. If he does, his election might be a California version of what Crystal City seemed to portend — and rekindle efforts toward uniting Chicano power to improve living conditions for the state's Mexican-Americans.

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*SPECIAL ELECTIONS:*

## Chance of a Pettis v. Pettis runoff for Congress

Democrat S. Floyd Mori, former mayor of Pleasanton, easily defeated Republican S. Guy Puccio of Castro Valley to win a runoff election March 14th in the 15th Assembly district in southeastern Alameda County. Mori, who succeeds the late Carlos Bee, brought the Democratic margin in the Assembly back to 55-25. The vote was Mori, 23,556; Puccio, 13,007. The new Assemblyman, a Mormon of Japanese ancestry, apparently received especially strong support from the Livermore-Pleasanton valley area, a rapidly growing region previously represented by assemblymen from Hayward.

Floyd Mori

In a more hotly contested race, Democratic Assemblyman Bill Greene, backed by Lieutenant Governor Mervyn Dymally, nosed out by 98 votes Dr. Kenneth Washington, supported by Los Angeles Mayor Tom Bradley, in a special election to succeed Dymally in the state Senate. The vote: Greene, 16,083; Washington, 15,985. Washington initiated a recount but abandoned it after three days of hand-counting because Greene's lead was increasing. Greene did not win the seat outright, however, because three lesser Democratic candidates obtained enough votes to prevent him from gaining an absolute majority. A runoff election was scheduled for April 1st, with only Greene's name on the ballot, and it appeared that only a surprisingly strong write-in campaign could defeat him. Greene's victory would bring the Democratic advantage in the Senate back to 25-15. [See "Battle between the Blacks," *CJ*, March 1975.]

Another special election is scheduled for April 29th in the Riverside-San Bernardino area to fill the vacancy caused by the plane-crash death of Republican Congressman Jerry Pettis. Two of the 13 contenders: Shirley Pettis, widow of the Congressman, a Republican, and Ron Pettis, prominent Riverside attorney, a Democrat. The other 11: Democrats James L. Mayfield, Clodeon Adkins, Joe E. Hubbs Sr., Jimmy James and Richard Welby; Republicans Frank M. Bogert, Robert J. Allenthorp, Jack Harrison, Louis Martinez and Bud Mathewson; and American Independent Bernard Wahl.



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# JOBS AND THE ENVIRONMENT

***The conventional wisdom — in the rhetoric of both business and labor — holds that so-called ecological legislation hits corporate profits, eliminates jobs and hurts the economy. But what of the business and employment that the environmental movement creates?***

By PATRICK HEFFERNAN

The simmering fight between the state's environmentalists and the business community boiled in February into what looked like a full-scale war. More than 1,300 loggers descended upon Sacramento to protest Governor Brown's appointment of Sierra Club Vice President Claire Dedrick to head the Resources Agency and the application of environmental regulations to timber cutting permits in the wake of a court decision. To Alan Clarke, lobbyist for the Associated California Loggers, the situation was clear and desperate: 90 percent of his members in Northern California were out of work and had been for months. They were suffering tremendous economic hardships and he felt environmental regulations were largely responsible. Appointing a Sierra Club officer to the Resources Agency, declared the loggers' signs, was like picking a weasel to guard the hen house when eggs were all you had to eat. [See "Who's running the Resources Agency?", *CJ*, March 1975.]

Larry Kiml of the California Chamber of Commerce saw the timber demonstration as only the tip of the iceberg in a coming showdown with environmentalists. And Mike Peevey, former AFL-CIO lobbyist and executive director of the California Council for Environmental and Economic Balance, feels that the economic priorities of the state make this the time to reverse "damaging" environmental policies.

### Conservationists' response

Environmentalists are somewhat shocked at the attack. This was to be their year. After seeing so many of their programs vetoed by Governor Reagan or blocked in the Senate, they had looked toward 1975 as a year of success with the new administration. The Sierra Club's John Zierold views the hue and cry over unemployment as a hoax perpetrated by business interests to manipulate unemployed Californians in an effort to negate environmental gains that have nothing to do with the loss of jobs.

Zierold points out, in the case of the loggers, that housing starts in the nation dropped below a million last year, down from a recent annual average of 2.2 million. Record high interest rates have dried up capital for developers and mortgage money for home-buyers, who were already hard hit by inflation. There is little demand for timber because there are very few homes being built. Nor can it be fairly argued, Zierold maintains, that the 50 percent unemployment rate in the sawmills is due to a log shortage. Between Santa Rosa and Eureka, mills have full inventories laid in for the winter months when most loggers don't work anyway, he claims, and lumber corporations have teamed up with other business interests to use the loggers as the first wave in the battle to gut the state's environmental programs.

Bills have been introduced to weaken smog controls, requirements for environmental impact reports and land-use policies. And Zierold and other environmentalists smell a conspiracy to turn the environment into a highly emotional symbolic issue. They see labor as a pawn in a larger chess game that will not only kill "deadwood" environmental protection programs, but confer windfall energy profits and massive government subsidies on business interests.

### Jobs and environment

The environmentalists maintain, on the contrary, that protecting the environment and improving the quality of life will create additional jobs in the state. Resources Secretary Dedrick said as much on taking office. So far, however, the evidence is unclear. No comprehensive study has yet been done on the economic and employment effects of protecting the environment and improving the quality of life in California. But by examining various programs and proposals, and drawing on data from federal, state and private sources, a somewhat sketchy picture emerges.

*Clean air.* One of the most controversial environmental protection programs involve federal regulations to attain clean air standards in California. A task force report released by Governor Reagan last September charged that the program would cost 159,000 jobs, increase unemployment by 10 percent, and result in a loss of $65 million in tax revenue and an increase in unemployment benefit payments of $200 million. These findings, quoted widely by business and labor representatives, contributed to the delay or reversal of some elements of the clean-air program. They didn't go unchallenged, however. Rob Wolcott, regional economist for the federal Environmental Protection Agency, found the report wanting in its assumptions and incorrect in its conclusions. Wolcott estimated the number of jobs lost at about 15,300, one-tenth of one percent of the state's civilian labor force. He based this estimate on an EPA permit-denial rate of 10 percent (the Reagan task force assumed 100 percent denial), and on the shift of unused labor and capital to other locations in

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*The author, who teaches environmental impact analysis at the University of California at Berkeley, is conducting research for Resources, a public-interest consultant organization.*



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the state (the task force assumed it would disappear). The National Academy of Sciences estimated benefits from the improvement of air quality on health and property at from $250 million to $980 million in California.

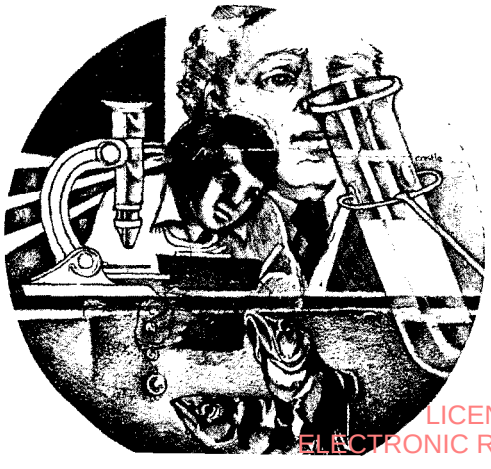
*Air-pollution equipment.* The Air Resources Board and the regional agencies are enforcing tough air-pollution-equipment installation schedules on stationary sources. Bob Burt, who represents the California Manufacturing Association in Sacramento, said that three manufacturing plants have been forced to close in Southern California in the last decade because of air-pollution-control regulations: a Chrysler assembly and painting plant, causing the lay-off of several thousand people; the Pacific Vegetable Oil factory, costing several hundred jobs, and a Swift and Company meat-packing plant, also laying off several hundred workers. (Burt indicated that the much-publicized closing of an Ideal Cement plant in Santa Cruz, however, was due more to its marginal profitability than to environmental requirements.) The Chamber of Commerce adds to the shut-down list a few small sawmills that have failed to meet air standards.

On the plus side, however, is the employment created to manufacture and install air-pollution-control equipment. John Sebastian, vice-president of Envirotech, a California-based pollution-control firm, reported $52.9 million last year nationally in sales of air-pollution-control equipment. His company's backlog of orders exceeds $200 million this year. Sebastian's staff estimates that 40 persons are employed for every million dollars in sales, producing more than 8,000 jobs to meet current demand. Although a few of these jobs will be located in Envirotech's plants outside of California, new operation and maintenance positions will be created in the state.

*Clean water.* Cleaning up the state's waters is the largest of the environmental protection efforts. Fueled by an $18 billion federal appropriation (the nation's second largest public-works program) and a $250 million state bond issue, construction of sewage-treatment facilities currently employs thousands of California workers. Bill Dendy, executive officer of the Water Resources Control Board, reported that approximately $400 million in construction grants has been authorized this year and another $600 million will be funded next year.

Job estimates for the construction of these facilities developed by the State Water Quality Control Board staff showed that as many as 12,000 construction jobs would be created by the first authorization and 27,000 by the second. An additional 3,500 permanent operational and maintenance positions would be required to staff the new plants. Currently, more than 3,000 treatment-plant operators are employed by public agencies in the state.

Another 1,500 jobs are going begging for lack of qualified people. The paradox of unfilled treatment-plant jobs in a state with unemployment running at 10 percent of the work force was explained by Chuck McElroy, director of the state's school for training treatment-plant operators in Costa Mesa. McElroy was able to train only 570 people last year — not enough to keep up with growing demand. Lack of training funds and difficulty in reconciling construction schedules and manpower development feed the shortage, he said.



Attempting to step into this breach is Pat Taffer, assistant director of Environmental Careers, Inc. With the help of federal grants, she uses her non-profit job center to train personnel in waste-water treatment and other environmental fields, directing them toward available jobs. She also provides curricula to junior college programs attempting to meet the needs of the state's waste-water treatment programs. Taffer coordinates placement of graduates with some 1,800 treatment plant operators in California.

Emphasizing the importance of clean water, Governor Brown accelerated the grants program even before he took office in an effort to stimulate employment. Learning that one of the bottlenecks in planning sewage plants was a lack of technical assistance for local agencies, Brown authorized the hiring of 67 new waste-water engineers to supply the needed help. Unfortunately, Dendy reports, the state has been unable to recruit the engineers because the state salary scale is below that in private industry.

*Construction restrictions.* Land-use controls have been a frustrating area for environmentalists because of Governor Reagan's refusal to allow development of effective planning policies despite a legislative mandate to do so. This has also been the area that labor has claimed cost the most jobs. The Associated Building Industry reports that statewide housing starts dropped to a 10-year low of 140,000 last year and are not predicted to rise far above that in 1975. This has led to unemployment as high as 30 percent in some construction trades. In December, the state Supreme Court upheld San Jose's Measure B, requiring builders to enter into agreements with school districts before they submit zoning requests. ABI estimates that these agreements, environmental impact reports, and planning fees and deposits now add $4,000 to the cost of each unit in many counties, and that each $1,000 in fees and environmental controls prices 5 percent of the state's potential buyers out of the housing market. Specifics on the number of jobs that slow-growth and land-use controls have cost are scarce because of the inability to determine what developments were not proposed because of them.

*Coastline conservation.* The Coastal Commission comes in for the most criticism from building and labor interests. Because California's coast attracted millions of dollars annually in out-of-state investment, it was a prime source of construction jobs. A recent lending institution survey of coastal real-estate brokers indicates that raw land sales along the coast have completely stopped despite Commission Chairman Mel Lane's claim that only 5 percent of the permit applications have been denied. Security Pacific Bank in Los Angeles is studying the economic and employment impact of the Coastal Commission and its plans for use in 1976 legislative hearings on the statewide coastal plan.

*Housing needs.* The other side of the land-use coin is housing construction. California needs to rehabilitate 750,000 homes and replace another 300,000 dwelling units just to catch up with its needs. Bill Leonard, a long-time spokesman for the industry, adds that a half million



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persons live in substandard and overcrowded dwellings and another million can't afford to rent or buy decent housing without spending a prohibitive percentage of their income. Approximately 200,000 units a year are needed to keep up with new family formation even in an era of zero population growth.

The jobs created to meet the rehabilitation, replacement and urban building needs of the state would be tremendous — soething like 1.5 million on-site jobs and more than 4 million off-site. Environmentalists supported housing-bond legislation last year to help meet these needs, but Governor Reagan vetoed the measure. A similar measure has been introduced this year.

The support of groups traditionally oriented only to ecological issues reflects a change in the membership and attitudes of environmentalist organizations. Environmentalists have recognized the need to consider economic issues and the substandard living conditions of many poor urban inhabitants. The Sierra Club has started an urban task force to develop policies and programs in what is admittedly new and somewhat foreign territory.

*Energy needs.* Energy development is a key to the provision of jobs and a healthy economy, and is a major environmental threat. The employment impacts of energy conservation and development, however, are very hard to trace. Almost no information exists on the job impact of the various state energy policies. Richard Maullin, chairman of the new Energy Resources Conservation and Development Commission, said that the commission must address itself to the labor effect of its policies and actions. To give organized labor a stronger voice, Maullin is proposing to expand membership of the advisory committee on building design and efficiency, set up by the Legislature in 1972, to make room for labor representatives. Maullin also plans to propose creation of a general economic advisory committee to improve communication between the commission and the major segments of the state's economy, including organized labor.

However, criticism of current energy policies and the developing plans of the Coastal Commission are beginning to surface. Ric Todd, lobbyist for Pacific Gas & Electric, reports that his firm has abandoned the coast as a source of power-plant sites for now because of the commission's decisions on energy development. The jobs this has cost are impossible to calculate, but a continuation of the Coastal Commission's tough policies on energy development will likely affect employment opportunities.

The Nuclear Initiative being circulated by People for Proof seems sure to reach the ballot, according to a spokesman for the group, David Pesonen, and if it passes the approval of nuclear plants in California would be seriously slowed. While the job impact of such a development is not known, at least one union leader is not worried. He is Charles Armand, West Coast director of the Oil, Chemical, and Atomic Workers Union. Armand said that his members feel that they have not been told the whole truth about accidents or near-accidents in many nuclear facilities. In the meantime, Armand doesn't see that the Coastal Commission's energy plan will have much of a negative effect on his members. He adds, however, that fossil-fuel plants should be built as they are required, but with pollution-control technology included.

*Transportation alternatives.* A large part of the energy question involves developing transportation alternatives. The state's major metropolitan areas have embarked upon ambitious plans for transit programs, spurred in part by federal planning grants and funds for capital investment. Expenditures estimated for the major programs in the state exceed $20 billion — about what the nation spends on roads and freeways each year. A good example of the job potential is found in the transit plan in Los Angeles developed by the Southern California Association of Governments. It calls for 4,300 buses, creation of 18,400 permanent jobs, and 1,300 one-time construction jobs. San Diego's clean air transportation project would add 1,044 buses and increase permanent employment by a net of 3,000 jobs. Retrofitting old vehicles with pollution-control devices would generate an estimated net increase of 600 to 800 jobs, according to that city's plan.

### The state's response

Assemblyman Charles Warren first attacked the problem of the information gap on the economic impact of environmental protection by introducing AB 938 in the last session. The bill required economic impact reports to be filed along with environmental impact reports. Business interests objected that this would increase costs and grounds for litigation. Reagan vetoed the bill. Warren has reintroduced the measure this year as AB 629. He added language declaring that the environment must be balanced with social and economic factors. Business representatives are silent on their positions as yet, but the backing of environmentalists is possible.

Assemblyman Bill Greene has introduced legislation calling for construction of 20 to 40 solid-waste processing plants to recycle metal and convert the remaining wastes into methanol, a gasoline substitute. Other legislation calls for long-distance transmission of geothermal power to allow industrial expansion, state funding of low- and moderate-income housing programs and home-insulation requirements. Laudable as much of this job-producing legislation is, the all-too-familiar mélange emerges of a few well-thought-through proposals and a rash of hasty bills.

A more comprehensive approach is being taken by the Governor's office. Brown made his feelings clear in a campaign speech indicating that environmental and economic needs will be met "through clear rules fairly enforced without delay". His secretary of health and welfare, Mario Obledo, and Employment Development Department Director James Lorenz agree that there is a need to begin looking toward a marriage between environmental and labor goals. (As Lorenz pointed out, the courts are poor planners in both areas.)

It's too early to tell when and where the marriage will take place — or even if a shotgun will be needed. But continual confrontations between the unemployed and the defenders of the environment will only make harder the realization of the employment potential of improving California's quality of life. The first step is to establish the joys of such a wedding.


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# The potential power of the new energy commission

By NANCY LITTERMAN

California's public utilities went along with creation of the new state Energy Resources, Conservation and Development Commission because of their frustration with the bureaucratic labyrinth they had been required to negotiate to get permission to build power plants. The utilities were not especially pleased, however, that the new law gave the commission responsibility for establishing state electricity-pricing policy in order to reduce energy consumption. Still, as long as the setting of rates remained in the hands of the Public Utilities Commission, the power of the energy commission in this area was not absolute.

Land-use is something else. It is a subject the new law only alludes to, and it promises to generate a great deal of conflict — not only with utilities, but with developers, manufacturers, private land-owners and local government as well. By employing its power to establish construction standards and freeze development in specified areas, the commission could become, in effect, a statewide land-use-planning agency with power to override planning and zoning decisions of cities and counties.

### New regulations

By June 1976, the commission will issue regulations on lighting, insulation, climate-control systems and any other building-design features it selects in an effort to make the most efficient use of energy. One year after such controls are adopted, no building permits may be issued by any agency within the state unless the applicant can comply with these new specifications.

An example of the kind of system likely to be affected is the "heat-to-balance" thermostat, a common method of heating and cooling office buildings. Under it, the air-conditioning blows the year around, with the heater periodically mixing in hot air to achieve the desired temperature. According to one energy commission member, Ronald Doctor, the days of such a temperature-control system are numbered. (Ironically, this is the system used, when it works at all, in the commission's temporary headquarters in Sacramento.)

In addition to establishing construction regulations, the commission has the authority to recommend to all agencies issuing building permits that energy "allotments" be specified according to the size and purpose of the structure. (Under the current utility pricing system, consumers of large quantities of energy pay progressively less per unit than the average user, a structure that in effect rewards consumption.) Starting in June 1977, with each permit application — whether a multi-million-dollar project or a simple room addition — the builder will have to submit a certificate indicating how the proposed structure will conform to the relative energy allotment. The commission's recommendations on allotments will not be binding, but local agencies will be under pressure to follow the guidelines.

### Land-use regulations

While these direct controls put the squeeze on the utilities and developers, indirect land-use regulations could prove equally restrictive to owners of land. The law requires that a utility "acquire by grant or contract the right to prohibit development" of private land surrounding proposed power-plant sites so that population density can be controlled. And the law grants utilities the right of condemnation, if necessary, to prevent development of these lands.

The stated intent of the Legislature is to assure "just compensation" for land taken for public purposes, but recent California court decisions indicate a trend in which "just compensation" often translates as "no compensation". A series of cases stretching back to 1915 suggests that it may be constitutionally irrelevant whether a contested regulation substantially lowers the potential market value of a privately owned parcel of land as long as the courts find the regulation "reasonable". In one instance, the United States Supreme Court upheld a Los Angeles zoning regulation that forced a land-owner to swallow a market devaluation of his property from $800,000 to $60,000. Implicit in the notion of reasonableness is the idea of spreading the cost of acquiring public benefits to the general tax base rather than have it fall entirely on an individual whose land happens to be needed. The California Constitution itself requires "just compensation".

### Judicial backdrop

Courts have, on occasion, struck down zoning regulations seeking to accomplish purposes for which eminent domain (purchase of property through condemnation) should have been employed. California has not followed this path, however. In a Santa Barbara case, the court upheld regulation of private land to safeguard the operations of a municipal airport. An owner of private property was compelled to forego more profitable uses of his land in order to guarantee the public's safety. The land was not condemned and there was no compensation. In perhaps the most far-reaching decision of all, the court conceded in a Los Angeles case that there were not sufficient public funds to implement a street-widening program. In the court's view, its ruling forcing land-owners to dedicate property to the program without compensation was "reasonable" because it represented "a risk the property-

*The author prepared this article while serving as a* Journal *intern from the College of Resource Studies at the University of California, Berkeley.*



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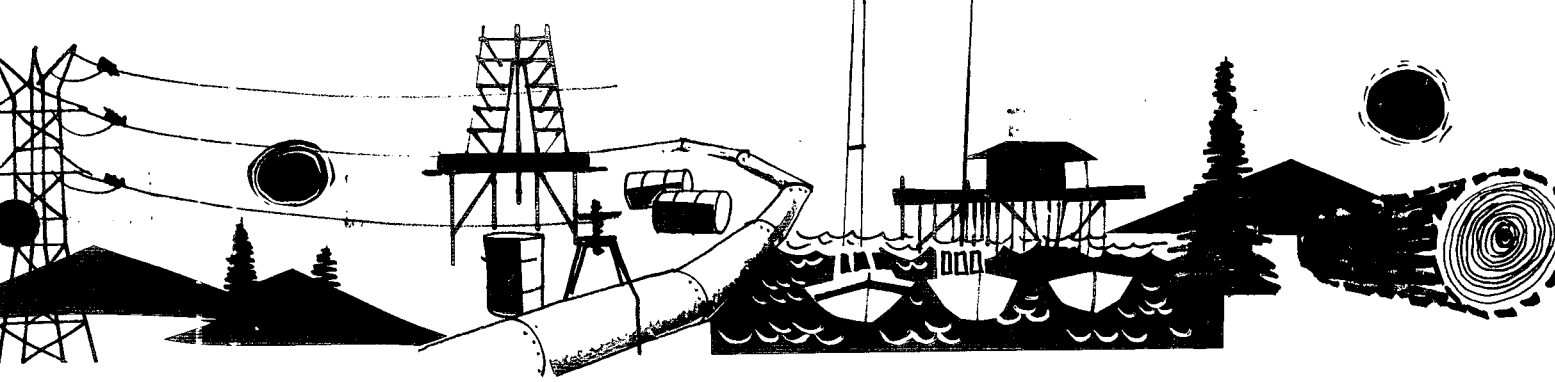

owner assumes when he lives in modern society under modern traffic conditions."

With this judicial backdrop, the energy commission may be free to shape the future construction visage of the state — where buildings will be erected, what they will contain and how much electricity they will draw. Leonard Ross, the first member of the Public Utilities Commission appointed by Governor Brown, is skeptical about benefits from granting the energy commission such super-agency power. The 29-year-old Ross, who studied economics at Yale, taught law at Columbia and wrote an economic analysis of the no-growth environmental movement (*Retreat From Riches*), emphasized: "Energy is not the complete description of the economy, and I have reservations whether the prime concern of a land-use agency should be energy."

However anxious Ross may be to institute new policies, the board acts by majority vote and his fellow commissioners — President Vernon L. Sturgeon, William Symons Jr. and David W. Holmes — have rarely shown an inclination toward innovation. The state Constitution provides for a five-member commission, and Brown has been slow to fill the post vacated by John P. Vukasin last December. The commissioners serve staggered six-year terms. Brown will have an opportunity to replace Holmes in December 1976 and Sturgeon and Symons in December 1978. Meanwhile, his administration will likely be forced to look more to the energy commission than to the PUC to carry out its energy policies.

### PUC and the utilities

The constraints the energy commission imposes on utilities' customers should be of only indirect concern to the PUC, although a major impetus to create the new commission was the concern of the Democratic Legislature that the PUC had become overly sympathetic to the problems of utilities. Had the PUC shown willingness to re-examine rate structures (as the Legislature requested), there may never have been an energy commisison. Gene Varanini, consultant to the Assembly Committee on Energy and Diminishing Materials, said the PUC had had several years to exhibit a commitment to the public interest and that, logically, the PUC would have served as the energy-regulating agency. "What we saw," Varanini explained, "was a pro-status-quo, pro-industry viewpoint, coupled with a knee-jerk kind of response to crisis situations." The authors of the energy commission act (AB 1575), he added, "shared a high degree of distrust as to whether the public's interest was ever represented by the PUC, as well as a reasonable degree of doubt about the PUC's technical capability and independence."

In any case, the PUC has been eased out of power-

## How to win approval for a power plant

With creation of the Energy Resources, Conservation and Development Commission, power-plant siting will hereafter be carried out under a two-stage process. Site selection involves gaining approval for at least two out of three alternate sites, one of which may not be on the coast. This requirement, designed to create an inventory of possible sites, can be met before a utility actually plans to apply for a construction permit, which must be sought at least 18 months before the proposed start of construction. The entire process is limited to 38 months and involves dealing with just one state agency. Here is how the new energy act will work:

#### Phase I

*Utility notice of intent.* Notice must include site location, fuels to be used, plant design, methods of generation, specific location of structures within the site, a brief cost/benefit analysis, and a statement supporting the demand for the plant.

*Public hearings.* Hearings begin 90 days after the initial filing of the notice of intent.

*Preliminary report.* A report, issued within 90 days after the public hearing, includes the comments and recommendations of local authorities; it also indicates the degree of conformity exhibited by the utility's application regarding the commission's energy-demand forecasts, applicable standards, ordinances and laws, and the safety and reliability of the facility at each alternate site.

*Final report.* All interested agencies and individuals have 60 days to respond to the preliminary report. Sixty days after that, the commission issues its final report, which includes its findings on the acceptability of each alternate siting proposal along with conclusions submitted by the California Coastal Zone Conservation Commission.

#### Phase II

*Utility files application.* The application for site certification must list every federal agency from which approvals and authorizations must be obtained, as well as detailed information on design and operation of the proposed plant.

*Public hearings.* Between 90 and 240 days after application is filed, hearings must be held.

*Environmental impact report.* The commission must complete an EIR within a year after the application is filed.

*Final decision.* Within 18 months of the utility application, the commission must say go or no-go. Commission decisions are subject to judicial review.

### Nuclear-site initiative

Much of the freedom of the commission to authorize nuclear power plants would be removed if a proposed initiative qualifies for the 1976 ballot and is approved by the electorate. That initiative prohibits construction of nuclear plants and requires reduced production from current plants until safety determinations are made by the state and federal governments.


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## Who's who on the energy commission

The law that created the new Energy Resources, Conservation and Development Commission requires that the commission include an economist, an environmentalist, a scientist, a lawyer and a public member. Governor Brown designated his former aide Richard Maullin, 34, as commission chairman and as the public member. Maullin, who holds a doctorate in political science, was a Rand Corporation researcher before becoming a deputy secretary of state under Brown. Maullin, one of Brown's top campaign strategists, earned a reputation as a superior pollster and a calculating administrator. The other members of the commission:

Richard Maullin

*Economist:* Ronald D. Doctor, 39, another former Rand researcher and a strong environmentalist. At Rand, he directed studies concluding that steps must be taken to reduce demand for electricity.

*Environmentalist:* Former Assembly Speaker Bob Moretti, 38, who opposed Brown in the Democratic gubernatorial primary but endorsed him in the general election. His environmentalist designation stems from the role he played in the enactment of conservationist bills, but environmental organizations are less than overjoyed about his appointment as their representative.

*Scientist:* Alan Pasternak, 41, a University of California chemical engineer who has been conducting research on underground coal gasification. He was a friend of the Governor when both lived at International House on the UC Berkeley campus.

*Lawyer:* Richard Tuttle, 54, former chief counsel to the Public Utilities Commission (in the administration of Edmund G. Brown Sr.). He left that post to direct a legal-aide office in Jackson, Mississippi.

Commissioners serve five-year, staggered terms, one commissioner's term expiring each year. They receive $37,212 a year.

plant-siting activities, except for applications being considered at the time the new commission was activated. And its rate-setting actions will be subject to close scrutiny by the energy commission.

Prior to AB 1575, the PUC granted certificates of public convenience and necessity, a prerequisite to obtaining power-plant construction permits. For all future applications, the PUC is no different than 30 other agencies whose recommendations will be solicited by the energy commission prior to site approval.

### A rubber stamp

In addition to its own analysis, the energy commission draws on PUC staff for comments on a proposed plant's economic efficiency and technical reliability. But, unlike the Federal Power Commission or the California Coastal Zone Conservation Commission, the PUC no longer has veto power. The law specifically states that the PUC shall routinely approve all applications approved by the energy commission and that no certificate shall be issued without the energy commission's approval. In short, the role of the PUC is reduced to that of a rubber stamp.

The energy commission has "exclusive authority" over siting, plus exclusive jurisdiction over all state and regional permit authorities, with the exception of the California Coastal Zone Conservation Commission, which will retain ultimate authority to veto any site within its jurisdiction.

Where the energy commission's authority stands in relation to federal regulations is an open question. Commission powers permit coordination of federal pollution standards. But if the commission tries to impose more stringent controls than those mandated in Washington, federal waivers may be required. State, regional and local ordinances may be overriden by the new commission if "more prudent and feasible means of achieving public convenience are found."

Technically, the PUC still retains final rate-setting authority. But so effectively has the new law curtailed PUC initiative in this area that what power remains is primarily administrative. Responsibility for electrical pricing policy rests with the energy commisison, not the PUC. By June 1976, the energy commission will submit to the PUC and any publicly owned utilities recommendations to reduce wasteful energy consumption. And these policies will cover rate restructuring, peak-load pricing and curtailment of electrical use for advertising purposes (such as neon signs). The PUC will be given six months to review these policies. After that, the PUC will have to justify to the governor and Legislature whatever action it intends to take regarding those policies.

Potential conflict between the two commissions is not hard to foresee. Assemblyman Charles Warren, author of the energy act, intended that the PUC and the energy commission maintain an "arm's-length" relationship, and this might present special problems for the energy commission in analyzing rate structures.

Ross, Brown's first PUC appointee, brings to the commission a different philosophy of rate structure than that currently followed by the PUC. Rates now are based on the "average cost" of producing one thermal unit of electricity. For example, a utility buys oil at $17 a barrel. The cost of a unit is not based on this price but rather on a mix of oil prices, hydro-electric production, nuclear operations — all the utility's fuel costs. Average cost might drop to the equivalent of $3 a barrel. Simply stated, under Ross' proposal the utility charges the customer the cost to produce that additional unit. This minimizes rates for small customers and for consumption during periods of low demand. On the other hand, the cost soars as demand rises and during peak power periods.

### Lack of economist

The energy commission has one handicap: Although it was designed to include an economist, it does not. The economist position is filled by Ronald Doctor, who has impressive qualifications but not those of an economist. Warren would like the commission to do its own economic analyses, but as the energy commission chairman, Richard Maullin, put it: "Ross knows the experts in the field. Ross *is* one of the experts in the field. Our staff must certainly consult with the experts." This indicates that the relationship between the two commissions may eventually be much closer than the "arm's length" Assemblyman Warren had in mind.

Cooperation between these two state agencies on matters of plant siting and rate structure may indeed develop, but Maullin and associates will find much rougher sledding if they try to employ the commission's broad powers to transform it into a state planning commission.


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# End of an American dream:

## *decent housing, reasonably priced*

By LISA KNOX

The $35,000 home has gone the way of $1.19-a-pound steak and the 10-cent Coke. So fast has the price of housing been rising that only a small proportion of Californians can afford the traditional "ranch" home on a quarter-acre suburban lot. Construction costs have been rising at a rate of 12 percent a year. The value of building lots in urban areas has been increasing at a rate of about 10 percent a year, and in some communities "no-growth" ordinances have further curtailed development. Assuming that a builder of single-family homes can get a blueprint through the dozens of approval steps now required, the cost to the consumer will be about 75 percent more in 1975 than it was in 1972. The era of the suburban single-family tract home has ended in California.

And if homes have gone out of reach for middle-class Californians, what of those at the lower end of the income scale? Private enterprise simply cannot meet this demand. That, coupled with the need to stimulate the construction industry and the economy in general, is why the state is about to jump into the house-financing business with a program designed to provide more units for families with annual incomes of up to $11,000. Under legislation put together by the Brown administration, Senators George Zenovich and George Moscone, and Assemblyman Peter Chacon, the state's borrowing power would be used to raise $450 million to spur construction, primarily of rental developments. Here is how the Zenovich-Moscone-Chacon bill, coupled with a federal subsidy program, is supposed to work:

- A State Housing Finance Agency, empowered to sell $450 million worth of bonds, would be created. This money would provide construction loans and mortgages on homes and apartments. The bonds would be repaid, not by the taxpayers but by the developers, home-owners and renters. Because the state can obtain money at reduced interest rates, units can be provided at a lower cost than through the private money market. It has been estimated that this is equivalent to $25-$35 a month in rent or mortgage payments.

- The state will capture federal rent-subsidy funds, estimated at $90 million in the first year and $1 billion over the life of the current authorization, and pass them on to those with incomes under $11,000 a year. Governor Brown called a special session on housing so that the bill could be put into effect by July 1st, the start of the new fiscal year. Otherwise, the rent subsidy funds could not be coordinated with the state program and would be distributed to local government instead.

### Only a beginning

Even this program will only begin to meet the state's housing needs. The subsidy program will cover about 35,000 units, and it may be several years before the full effect of the state's bond program is felt. Housing experts maintain that California needs 237,000 units a year just to keep up with new families, and this was not nearly met last year. The new state-federal program may create a situation in which new units are made available primarily to those who can afford expensive units, provided by private financing, and those who qualify for low-income assistance. Left out in the cold: the middle-income family.

New housing is available, but at a price. The private home-building industry is concentrating on the larger single-family homes with more amenities. The median price for a single-family, detached dwelling is expected to reach $41,000 this year, according to James Davis of the Real Estate Research Council of Northern California. The 1975 model will cost $5,000 more than the equivalent house built last year. The question is how many Californians will be able to afford it.

In Los Angeles, the average buyer needs an annual income of $21,000 just to qualify for a home loan. That eliminates far more than half the state's families from consideration. In short, three-quarters of California families will not be able to afford a new single-family home in 1975.

### New direction

What about the future? The great post-war housing frontier has closed in California. The home-building industry is adapting to a new economic environment. Compared to the boom years of 1971 and 1972, last year was a depression year for the industry. Residential construction dropped 40 percent last year from 1973, an average year. Mobile-home sales were also down 31 percent. Industry spokesman Bill Leonard is forecasting a 10 percent increase in housing starts this year over 1974 — not nearly enough to pull the builders out of the depression. What could be alarming, however, is the direction in which increased production is heading.

The increased production will be made possible by the easing of the tight-money situation that sent interest rates to historic highs in 1973 and 1974. Lending institutions are extremely selective in making money available for construction projects. During 1974, only 20 percent of the new units were targeted for rental apart-

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*The author, a student in environmental issues at the University of California in Berkeley, prepared this article while serving as a* Journal *intern.*



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ments. The rest was divided between single-family, attached, owner-occupied units (condominiums and rowhouses) and detached, single-family homes. In previous years, there had been about a 50-50 split between units for rental and ownership. The cost of money has made it unprofitable for builders to erect rental apartments because they cannot charge enough rent to meet financing and construction costs. Most builders now want to get construction finished as rapidly as possible and get out before the cost of borrowed money eats up the profits. The money market has eased in the last few months, and some improvement in the supply of new rental units is possible if this trend continues. But the pinch has already had the effect of increasing rents significantly, and population experts claim that one- and two-person households are increasing rapidly, aggravating the demand for rental units.

### Mobile homes

In 1973, the federal government made a drastic change in its program to subsidize housing for low-income Americans. Instead of subsidizing low-income projects directly, Washington last year started providing bloc grants to local government to meet the housing needs of the poor, but this program is not considered a success. There is an acute housing shortage for persons with annual incomes below $5,000. With fewer units being built today to "trickle down", as the filtration process in housing is thought to operate, units that otherwise might be occupied by low-income Californians are still being rented by those with moderate incomes.

One way of minimizing the cost of housing is to purchase a mobile home. (The term "mobile" is a misnomer; most "mobile" homes are moved only once — to the site where they remain.) The mobile-home industry in California accounted for 19 percent of the housing starts last year, and provided almost 90 percent of all single-family residences selling under $20,000. Although the industry is under attack from Ralph Nader and others for safety reasons, the California branch of the industry seems to be trying to provide a better product. This is indicated, for example, by the double-width, shake-shingled, wood-paneled, fully furnished deluxe unit produced by Golden West Mobile Homes of Santa Ana.

Some urban communities simply don't want mobile homes. Local officials claim that mobile-home residents use public services without paying for them. This is because mobile-home buyers pay motor-vehicle and sales taxes but no property taxes. Privately, planners confide that they don't like the external appearance of mobile homes, which have been segregated into "parks". How many mobile-home parks will be available for Californians who want single-family, detached units at minimal cost will depend on how many can be developed. The high cost of money and the rising price of land have made it economically less attractive to use open space for mobile-home parks.

What then is the future for housing in California? The state Department of Housing and Community Development thinks that the state now needs 700,000 new units, replacement of 300,000 more that are beyond repair, and construction of more than 200,000 a year after that.

### Future shock

A basic problem is that the cost of housing — at least the kind that Californians are used to buying — has gone beyond the acceptable social standard of 25 percent of a family's annual income. According to *Forbes* magazine, Europeans view housing prices in the United States as "raging bargains". Only in America has a typical middle-class family been able to afford the ranch-style home on the quarter-acre lot. In Europe, according to *Forbes,* this kind of house can cost $100,000 or more. The overall housing issue involves more than providing a shelter; it's also a question of maintaining a lifestyle.

Because of economic and environmental considerations, the days of the single-family tract home are numbered if not over. The Cape Cods built row after row like little boxes are being replaced by condominium, "planned-unit" developments. The family budget is going to be stretched even further for housing. Local planners are coming to a realization, based partly on the passage of no-growth measures, that the developer does not have a right to build in a community but must be granted a privilege to do so.

### Clusters are coming

The California lifestyle of *el ranchito,* barbecues and patio parties will not change overnight. The condominiums are being designed so that privacy, status, attractive surroundings and the other characteristics of California living are preserved. As the new pattern of urban life matures, however, housing will be seen more as a pattern of services than as a structure on a lot.

The new California lifestyle will be based on higher housing density, more neighborhood concern and public transportation, possibly providing the opportunity for a healthier living environment. Californians will settle for less housing at higher densities and smaller floor space. It will be harder to find seclusion when families are living nine to the acre. More attention will be paid to the neighborhood — how it looks and what services it provides. With the cost of transportation rising, Californians will seek housing closer to their employment or public means of getting there.

The old days are gone, it appears. No longer will developers be able to buy cheap land and sell tract homes to the masses. Mortgages at 5½ percent interest may never return. The middle class is caught in a tight squeeze, and private enterprise may not be able to meet the needs of most Californians. Without government assistance, the outlook for the poor is even worse. As Bill Leonard, executive director of the Associated Building Industry, pointed out: "You can build poor housing, but you can't build for the poor."


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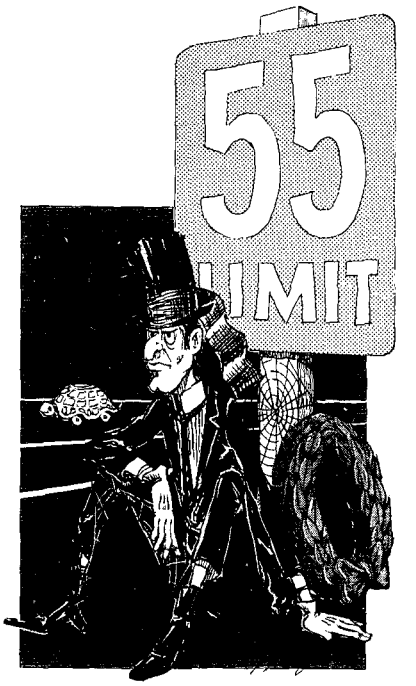
THE LIFE SAVED MIGHT HAVE BEEN YOURS

# A positive side to the energy crisis




By GEOFFREY E. NUNN AND BETTY YEI-CHOU CHU

One positive aspect of the gasoline shortage during the first half of 1974 was the hundreds of lives saved. There were 1,737 auto fatalities in California during the first six months of 1974. The figure should have been 2,389, without the fuel-crisis conditions, according to projections. In addition to the estimated 652 lives saved there were other benefits, including fewer non-fatal injuries, less property damage, reduced pressure on insurance rates, and an easing of the strain on medical services, police and the courts.

Just what was responsible? California Highway Patrol data helped shed some light. Adding information from other sources and our own statistical analysis where possible, we have reached the following conclusions:

*Slower driving.* A total of 347 fatalities — 53.2 percent of the total reduction — were deterred as a result of slower driving in the first six months of 1974. The 55-mile-an-hour speed limit slowed many drivers and, perhaps more usefully, got motorists to realize that gasoline was in short supply and that high-speed driving and fuel economy are incompatible. A nationwide study by the National Safety Council indicates that motorists not only slowed down on the highways, but that they were also driving more slowly on city streets. While higher speeds reduce stopping and maneuvering ability and magnify existing tire and headlight limitations, road hazards, driver deficiencies, and the effects of alcohol, all of which are well known, there is an additional element to consider. Motorists driving at speeds well above or well below the average flow of traffic are involved in a disproportionate number of accidents. This element is called the speed-dispersion factor, and curtailment of high-speed driving during the first half of 1974 implies a smaller speed dispersion. Consequently, this factor also helped account for fewer fatalities.

*Winter daylight-saving time.* Permanent daylight-saving time was introduced on January 6, 1974, to conserve energy. Some safety officials predicted, however, that accident levels might be favorably affected, since accident rates are a function, among other things, of visibility. The better the lighting conditions in the late afternoon hours, when accidents occur most frequently, the more likely the chance of fewer accidents. The adverse effects of reduced visibility in the morning hours were expected to be more than offset by the beneficial effects of increased visibility in the late afternoon and early evening hours. Historically, 4.9 percent of California auto fatalities have occurred between 6 and 9 o'clock in the morning. During the first quarter of 1974, this figure rose to 15.8 percent under permanent daylight-saving time; however, between 4 p.m. and 7 p.m. the figure dropped from 28.8 percent to 13.9 percent. Adding this to other data, we find a net reduction of 47 fatalities — 7.2 percent of the total.

*Other contributing factors.* The volume of statewide driving during the first half of 1974 was approximately 9.3 percent less than normal. Total statewide miles of vehicle travel was 5 percent below the corresponding 1973 figure. Based on normal growth, vehicle miles had been expected to grow by 4.3 percent in the first half of 1974. The reduction in travel accounted for 219 fewer fatalities, or 33.6 percent of the total reduction. Evidence from the National Safety Council indicates that safety belts, average occupancy and the use of compact cars had a relatively minor effect.

*Saving human capital.* It is hard to place a dollar value on a life; surely one's own life is priceless. As an income producer, however, a person also has an economic value to society, and economists call this "human capital", a measure of an individual's worth to society in terms of economic productivity. When human capital is destroyed, therefore, there is a loss to society calculated by the goods and services that those killed would otherwise have produced. Between $91 million and $128 million in human capital were saved as a result of California's reduction in auto fatalities in the first half of 1974, our analysis suggests. (There were other savings as well that we did not attempt to estimate, such as funeral and medical expenses, police services, legal expenses, and property damage.)

### Even lower speed limit?

Slower driving had a dramatic effect, accounting for 53.3 percent of the total reduction in fatalities during the energy crisis. Would a further reduction in the speed limit produce similar benefits? Whatever the safety effect, there would be costs, both private and social. The

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private cost is the additional time required to go somewhere, since the additional time spent driving might have been used otherwise. Since slower driving implies more vehicles in operation at any given time, there is also a social cost — namely, traffic congestion. To reduce the speed limit further would be to raise both of these costs. Also, by raising shipping costs through slower hauls, the reduction in the speed limit feeds inflation.

Finally, there are the costs of enforcing the lower speed limit. Speeding tickets increased by 80 percent during 1974, the Highway Patrol reported. Speeding citations increased by half a million, to 1,114,000. In addition, arrests on California highways increased by 22 percent. But such vigilance is not without cost. It has meant thousands of additional man-hours consumed by law-enforcement officers and the courts diverted from other law-enforcement duties.

### Effects of rationing

What would be the savings in lives and human capital were gasoline rationed? The answer depends in part on the particular rationing program adopted. Under a plan being considered by Congress, each licensed driver would get nine gallons of gasoline a week. Since there are approximately 13 million licensed drivers in California, and since the average vehicle gets 12.4 miles per gallon, total statewide vehicle mileage would be about 43 billion miles per six months. This would mean a total volume of driving approximately 30 percent below that registered for the first half of 1974. Since fatality totals are roughly proportional to the volume of driving, there would be 535 fewer fatalities than were actually recorded in the first half of 1974. That would represent a savings of $87 million to $105 million in human capital alone.

This does not make the case for gasoline rationing, however. There are other ways of reducing gasoline consumption, including the imposition of stiff taxes on gasoline and on automobiles with high-horsepower engines. (Moreover, the history of rationing is one of social havoc and lawlessness.) In addition to the enforcement problem, which would put new strains on the police and the courts, rationing would probably encourage a climate of petty lying and deception. Would traveling salesmen and others who drive for their living, for example, truthfully report their minimum needs?

In any case, those lines at the gas pump and the 55-mile-an-hour limit did have a positive effect. Some of us would not be reading this otherwise.

NEWSMAKERS

## Breaking bagels and eyeing office

State Senator **Alan Robbins** of North Hollywood indicated that he is considering running for mayor of Los Angeles in 1977, presumably challenging incumbent **Tom Bradley** .... Robbins was one of 12 legislators invited to participate in a gathering of the "Jewish caucus" in the Legislature. The organizer of a lox-and-bagels breakfast, **Leona Egeland,** said it was strictly a social affair with no policy matters discussed. Others invited: Senators **Milton Marks** and **Anthony Beilenson,** Assemblymen **Howard Berman, Jack Fenton, Leroy Greene, Herschel Rosenthal, Alan Sieroty, Larry Kapiloff, Michael Wornum** and **Alfred Siegler** .... Senator **John A. Nejedly** of Contra Costa County, chairman of the Senate Committee on Natural Resources and Wildlife, was named outstanding environmental legislator of 1974 by the Planning and Conservation League.

Mayor **Joseph Alioto** of San Francisco was sued for divorce by his wife of 33 years, **Angelina Alioto,** but the Aliotos were back together three weeks later .... The state Commission on Judicial Qualifications recommended that Municipal Judge **Noël Cannon** of Los Angeles be removed from the bench .... The Los Angeles Daily Journal reported that California Chief Justice **Donald Wright** declined to retire last year, as originally planned, because then-Governor **Ronald Reagan** would have selected his successor.

Faculty members at Sacramento State University called on campus president **James Bond** to resign, but Bond had the support of student leaders and indicated that he would hold firm. Professors charged that Bond is too autocratic .... **C. Brunel Christensen,** Reagan's director of food and agriculture, died of a heart attack while helping deliver a calf on his Modoc County ranch .... Former Congressman **Victor R. Veysey,** defeated by Democrat Jim Lloyd last November, was nominated as an assistant secretary of the Army by **President Ford.**

Meeting in Fresno, the liberal California Democratic Council elected its first woman president, **Wallace Albertson,** wife of actor **Jack Albertson.** She succeeds state Senator **Nate Holden** .... San Diego attorney **Michael Walsh** was reelected chairman of the California governing board of Common Cause .... **Anthony M. Kennedy** of Sacramento, an attorney, lobbyist and law professor, was nominated by President Ford as a judge on the Circuit Court of Appeals in San Francisco .... Berkeley lawyer **Carol Brosnahan** was appointed by state Controller Ken Cory to succeed former Congressman **Jerome Waldie** on the California Fair Political Practices Commission. Waldie had resigned after accepting a $35,000-a-year post as a lobbyist for the postal workers.

**Clyde Walthall,** former press secretary to Reagan, was appointed executive director of the Professional Educators Group of California. The organization opposed collective bargaining for public employees and is headed by **Wayne Barton.**

Appointments by Governor **Edmund G. Brown Jr.:** state health director, Dr. **Jerome Lackner,** 47, a San Jose physician and attorney; director of water resources, **Ronald B. Robie,** 37, a member of the state Water Resources Control Board; director of the Department of Industrial relations, **Don Vial,** 51, former AFL-CIO official, insurance commissioner; **Wesley J. Kinder,** 53, Los Angeles insurance executive; director of the office of planning and research, **Preble Stolz,** 43, law professor at UC Berkeley; president of the Board of Food and Agriculture, **Lionel Steinberg,** 55, the first grape-grower to sign a contract with Cesar Chavez; member of the Alcoholic Beverage Appeals Board, **Peter Finnegan,** 36, schoolmate and campaign aide to Brown; director of parks and recreation, **Herbert Rhodes,** 45, East Palo Alto community leader.


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# What happens when parents try to take command

By SUSAN LITTWIN

The movement for community control of public schools is a child of the sixties, tracing its parentage to the ghettos and bitterness over foot-dragging on school integration and a response to the New Left cry to "control the institutions that control your lives." In 1968 the infant movement collided head on with the only slightly older teacher-union militancy and produced a lacerating 13-week strike in New York City schools. The strike was won by the teachers, who have since grown in political and organizational clout, but the community-control movement has managed to lead a feisty, stubborn street life. Now, it is more often referred to as "shared decision-making", and it gets the guilty support given to illegitimate children. State and federal compensatory-education programs, as well as a number of school districts throughout California, impose community involvement through parent advisory councils having vaguely defined authority.

Assemblyman John Vasconcellos' Joint Legislative Committee on Educational Goals and Evaluation sees science and technology as expanding the role of formal education and creating "a lessening of a sense of personal control, a sense of family, and a sense of community — along with a concomitant loss of a sense of responsibility for one's actions." The committee is "committed to improving the public's access and input to the decision-making process in public education."

### The 'battleground'

This is all a long way from the cramped site and complicated hostilities at Magnolia Avenue Elementary School in south-central Los Angeles. A memo circulated by the Association of Elementary School Administrators of Los Angeles December 6th began: "Recent events give clear indication that Magnolia has been decreed as 'the battleground' for community control." What is significant about Magnolia Avenue is not that it offers solutions but that it seems to demonstrate nearly all of the problems facing public instruction in California — inadequate facilities, poor achievement, cultural differences, outside politics and the parallel demand for increased teacher rights.

Magnolia Avenue has been the scene of a bruising power struggle pitting community people and university-based Chicano activists on one side, and teachers, administrators and the school board in uneasy alliance on the other. The focal point of this bitter struggle is a sprawling, barracks-like encampment in a grid-iron neighborhood where older, clapboard houses are interspersed with store-front businesses and small factories. About nine out of ten of the names are of Spanish origin. It is an immigrant population, working class and welfare-poor; many undoubtedly are undocumented aliens. The school's permanent buildings were damaged by the 1971 earthquake, and new construction is taking place while instruction continues in box-like temporary structures. About 1,500 children attend Magnolia Avenue School, though it was built for half that number. (Consequently, they are on double session.) Magnolia has also experienced a sudden population influx, mainly of immigrant families, many of whom seek help from the bilingual office staff, which appears to serve as ombudsman between families and various government agencies.

Magnolia has 65 teachers, plus a paid aide in every room, a battery of specialists and program coordinators, two vice principals, two counselors, and a full-time nurse. Six teachers have Spanish surnames, and the principal estimates that at least another six can speak Spanish. There is also a prescriptive-diagnostic reading program, stocked by a room full of electronic equipment and brightly packaged materials and a tutoring program of two hundred University of Southern California students who volunteer weekly time.

### Why Magnolia?

Most of this is fairly recently acquired and paid for by $300,000 in federal funds and $130,000 in state money under the Early Childhood Education Act. Classes remain large — more than 30 in the first three grades and 35 or more in grades four through six — since the school opted to spend its compensatory-education funds on programs and services rather than on smaller classes. Like most inner-city schools, Magnolia has low academic achievement. Yet, the atmosphere is friendly and industrious, and the outwardly grim bungalows house relatively cheerful classrooms and apparently conscientious teachers and aides. So why has Magnolia become a battleground? A major factor in making Magnolia a target for organizers was the dismal inadequacy of the physical plant, even before the earthquake damage. Voters rejected a proposal to issue bonds to finance construction of earthquake-safe buildings, and the school's staff and parents pressured the Board of Education into beginning a building program and purchasing adjacent parcels of land. Meanwhile, the bungalows were erected on the existing property, consuming most of the play area, the school population increased significantly, and double sessions were installed. These created intense parent traffic and exposure to the school situation. The

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new building programs already in progress in the suburban San Fernando Valley spurred resentment among local residents, and there were charges of racism and preferential treatment for the middle-class.

### Latin culture

Intertwined with these factors is the culture of the Latin community. Family tradition and protectiveness toward children zeroed in on the lack of a cafeteria. Only this year, Magnolia replaced sack lunches with hot meals served from a bungalow kitchen. But the absence of a proper mid-day meal and a place in which to eat it has rankled parents, and provided a fertile field for organizers. The initiation of hot lunches may well be the result of community pressure, a suggestion not denied by the principal, Conchita Puncel.

Another source of aggravation was the low academic achievement and the heavy emotional investment parents in the community place in education as a way out of the poverty cycle. An example of this was a dispute over the allocation of federal funds. Parents resented expenditures for art and music programs, considering them inconsequential compared to the need to raise reading and math achievement. The low scores are an argument advanced by Magnolia activists against professional control of schools. Larry Sibelman, of the United Teachers of Los Angeles, responds that if teachers have not "produced" it is because they have been frustrated by poor resources and intolerable working conditions.

Perhaps more powerful than these factors, however, are the subjective feelings of cultural alienation and the loss of a sense of personal control that the joint legislative committee's report discusses. Chicano activists at Magnolia and elsewhere emphasize the need for bilingual instruction and for more teachers who reflect the ethnic background of the community. The demand is essentially for teachers who are like the children's parents, and it reflects resentment that the children are being judged and directed by people who do not understand them.

UTLA Field Organizer Gil Acosta, who has been working in the Magnolia Avenue area throughout its troubles, is skeptical about relying on bilingual teaching and ethnic identification as educational cure-alls. Acosta maintains that Anglo and monolingual teachers can do an excellent job with Latin children if they are well prepared and sensitive to the culture and the community.

### Personal control

Less clearly identified and remedied is the sense of loss of personal control, and here is the crux of the issue. What parents at Magnolia want is a voice in the operation of an institution that to their thinking determines their children's future, and they probably want this as much as any of the tangible objectives behind which they have organized. If the federal legislation authorizing education funds specifies that parents be "consulted and involved", can't this mean that they, through their advisory council, should have a right to make decisions on budget, curriculum, and on hiring and firing teachers? Some Chicano organizers think so. Other issues are negotiable, but on the question of control, the battle is joined, toe to toe. Pitted against the desire of minority parents to determine their children's education is the equally strong desire of teachers to have some say in the practice of their profession. Holding the line against both groups is the administration, defending its prerogative to govern the schools on the ground of "accountability". The school board plays the role of peace council, while gripping tightly its own ultimate authority to set policy.

The power struggle at Magnolia, which had been simmering since a strike by teachers in 1970, came to a boil about a year ago when a group called *Padres Unidos*, which had been organizing Chicano parents at Albion Street School, sent a cadre to Magnolia. The leader was Raul Ruiz, a Chicano studies instructor at Northridge, a former La Raza Unida candidate for the California Assembly, and a veteran community organizer. The Magnolia *Padres Unidos* began picketing, leafleting, holding a sit-in in the principal's office, studying federal and state regulations, and getting cadre elected to the advisory council. *Padres Unidos* moved quickly to the highly charged contention that teachers were physically and verbally abusing children. Teachers turned angrily to UTLA for support and the union, seeking to defend its members without being labeled racist, sent staff and attorneys to meet with the Magnolia teachers, but also allowed Magnolia parents to address a meeting of the union's House of Representatives.

### Answers vary

But when *Padres Unidos* members demanded that UTLA support the removal of the teachers, parents were told to take their charges to the school board. The union was already under pressure from Magnolia teachers for "selling out" to the parents and, at this point, it tipped completely toward the defense of the teachers.

Curiously, a major point in the struggle is the intended solution — compensatory-education funds. Federal and state programs that furnished the funds also created the school's two advisory councils. And it was language in those acts that was used to justify increased community involvement without spelling out just what kind of authority the community was to have. (Compensatory funds also divided the community by enabling the school to employ active parents and, in the eyes of some, rent their loyalty.) The programs also stir resentment in teachers, who feel that they are given an added burden of work and little voice in writing and implementing proposals.

Answers to how schools should be governed vary with the source. Principals like Puncel maintain that they


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## NEWSBRIEFS

**'Unholy alliance' urges charting future land development**

What last year might have been considered an "unholy alliance" of big business and environmentalists released a report last month proposing to plot the future use of California's one hundred million acres. The report is the work of a 22-member task force organized by the California Planning and Conservation Foundation, with representatives from such businesses as Bank of America, Pacific Gas and Electric Company, the Irvine Company, Standard Oil of California and Security Pacific National Bank, and such conservation-oriented groups as California Tomorrow, Sierra Club, and the Trust for Public Land — not to mention the League of Women Voters and the California Lung Association.

Among the task force's major recommendations is creation of a land-use planning council to draw up a comprehensive plan by 1977 that would spell out what land should be preserved and what land developed. "Land-use cannot be labeled as merely an environmental issue," the report states. "It is a fundamental human activity which affects every business person, every worker, every consumer." Said task-force director Richard A. Wilson, a Mendocino County rancher, in presenting the findings: "For the first time in California and possibly the nation, two divergent views, business and conservation, have sat down and reached agreement on some very substantive issues."

**Coastal commission completes draft of conservation policy**

The California Coastal Conservation Commission, created by the voters in 1972, completed work last month on a proposed policy to conserve what it called the state's "unique" real estate rimming the Pacific Ocean. "The essence of the plan," the commission reported, "is that the coast should be treated not as ordinary real estate but as a unique place where conservation and special kinds of development should have priority."

The commission's proposed "constitution" will be filled out in the course of the next year with contributions from six regional commissions. Public hearings will follow — some of them sure to be controversial — before the document is submitted to the Legislature next year.

**Three more plans for updating the California capitol**

A Los Angeles architectural firm submitted its $500,000 study of what the state might do to modernize and enlarge its Capitol. The firm, Welton Becket and Associates, proposed three plans, ranging in cost from $91.8 million to $101.9 million at present prices. Each plan allocated $34.5 million for restoring the original Capitol, and all drop an earlier proposal to erect twin towers at the east end of Capitol Park, a concept favored by Senator Randolph Collier.

None of the proposals won joyous support from Assembly Speaker Leo McCarthy and Senate President pro Tem James Mills. McCarthy did suggest that work proceed on shoring up the historic west wing, however; it has been condemned as unsafe in the event of a severe earthquake. C.K. McClatchy, editor of the *Sacramento Bee*, branded the $500,000 expenditure a monumental case of *chutzpah*.

**Senate clears bill decriminalizing use of a bit of pot**

Senator George Moscone's proposal to drop the criminal penalty for personal use of small quantities of marijuana cleared the upper house last month on a 21-to-16 vote, the minimum required for passage. SB 95 now goes to the Assembly, which has previously approved similar legislation. Under the new bill's provisions, possession of less than an ounce of marijuana would be punishable by no more than a $100 fine meted out by citation much as a traffic violation. (An ounce of marijuana is sufficient to make about 40 cigarettes.)

welcome participation by parents and teachers but that ultimate authority must remain theirs. Others call community-control attempts power-seeking by activist groups. Meanwhile, administrators have made tentative moves toward forming a union of their own.

The District Goals Review Committee of the Los Angeles Unified School District, a 175-member citizen panel created as part of the statewide project of the joint legislative committee, submitted a final report that stirred a hornets' nest. It recommended increasing "the number of matters in which the community will have decision-making or consultation involvement" and decreasing "the number of matters in which community involvement is advisory". It also called for a clear definition between the two. The committee also heeded its own advice; it not only recommended goals but specified "commitments" from the district on each one.

Teachers are uneasy about community control. There is an undercurrent of concern about exploitation of the issue by radicals. UTLA officers point out that community control means book-burners and John Birchers as well as minority people seeking a route to equal education. Academic freedom would hang on the "provincial foibles" of each community. The public, Sibelman believes, has an adequate voice in making school policy through elected school boards and the Legislature, though he agrees that school-board members should represent individual districts instead of being elected at large, as they are in Los Angeles. Otherwise, decisions should be made by professionals.

At present, the state subtly infiltrates school decision-making. Early Childhood Education programs at each school are supposed to be evaluated only on the basis of the goals and objectives outlined in the school-community proposal, but the highest rating means "recommended for statewide adoption." Similarly, the joint legislative committee has asked each school and district to set its own goals, but collects the data in order to set priorities for state programs. And it expresses the theory for democratization of school government: "The power to decide what kind of person each shall be — what kind of society we shall be — must be shared among the individual, the family, and those broader social/institutional groups which shape our society."

The difficulty is applying it to such specific and complex cases as Magnolia Avenue, where the litigation and the picketing go on.


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## SIGNIFICANT COURT ACTIONS

# Some limits to police searches

Police officers are not allowed to conduct full-body searches of persons arrested for minor citation offenses, the California Supreme Court ruled. In a 4-3 decision written by Justice Stanley Mosk, the court refused to follow two 1973 rulings of the United States Supreme Court permitting unrestricted searches of all persons subjected to "custodial arrest". Mosk, joined by Chief Justice Donald Wright and Justices Mathew Tobriner and Raymond Sullivan, held in *People* v. *Brisendine* that the California Constitution "requires a more exacting standard for cases arising within this state."

In 1970, sheriff's deputies found Michael Brisendine and three companions camping illegally in San Bernardino National Forest. The deputies intended to take the four to the patrol vehicle and issue citations for violation of the county's fire code. But the deputies first searched the four youths and their gear, finding marijuana and restricted dangerous drugs in a side pocket of Brisendine's knapsack.

Mosk cited two reasons for conducting searches without warrants in the arrest procedure — to obtain evidence of the crime for which the arrest is made and to uncover weapons that might be used to injure the officer. In this case, the search could only be for the purpose of locating weapons, the justice wrote, and there could be no reason to believe that the pill bottle and envelope found containing the marijuana and drugs could harbor a weapon.

In dissent, retired Justice Louis Burke (sitting on assignment) wrote that the United States and California Constitutions are essentially identical on questions of search and seizure. Therefore, he said, the federal decisions (*U.S.* v. *Robinson* and *Gustafson* v. *Florida*) should be followed. He was joined by Justices Marshall McComb and William Clark Jr.

Mosk argued that the California Constitution has always been considered "a document of independent force" and that the state has the responsibility of protecting the individual against government, while the U.S. Constitution guards states against the central government. Thus, he concluded, California citizens are entitled to greater protection under the state Constitution than under the federal's Fourth Amendment. "We are embarking on no revolutionary course," he wrote. "Rather, we are simply reaffirming a basic principle of federalism."

### Parenthood question

Eight-year-old Lisa R. was born during a period when her mother was separated from her legal husband and living with Victor R., who claims to be Lisa's father. Under a basic legal presumption, the child of a married woman is also believed to be the child of her husband. In a unanimous decision *In the Matter of Lisa R.*, however, the state Supreme Court found that the presumption can be disputed by the child's natural father under certain circumstances.

The court, in an opinion written by Chief Justice Wright, noted that Victor acknowledged that Lisa was his child, supported her, visited her and consistently asserted parental rights. To preclude him from offering evidence that he is the father, especially since the mother and her former husband had both died, Wright wrote, would be unreasonable, arbitrary, capricious and a denial of due process of law.

### Appellate rulings

Two important rulings were handed down by courts of appeal. A panel in San Francisco found that the practice of giving state employees three hours off on Good Friday for worship violated the First Amendment protection against "excessive government entanglement with religion." And a Los Angeles three-judge appeal court reversed a 1970 decision by former Superior Court Judge Alfred Gitelson requiring the Los Angeles City School District to desegregate its schools.

# For those wanting to update their rosters . . .

Since publication of the 1975 edition of the *California Journal Roster,* a number of changes have occurred and a few typographic errors have been called to our attention. The changes are listed below, by page number:

**Page 2, Constitutional offices:**

Donald E. Burns, secretary of business and transportation, (916) 445-1332.

State Supreme Court's Los Angeles office is at 3580 Wilshire Blvd., Los Angeles 90010.

**Page 3, The executive branch:**

**Office on Aging**

455 Capitol Mall, Sacramento 95814, (916) 322-3887.

**Office of Criminal Justice Planning**

7171 Bowling Dr., Sacramento 95823, (916) 445-9156.

**Office of Emergency Services**

2800 Meadowview Road, Sacramento 95825, (916) 421-4990.

**Commission for Teacher Preparation and Licensing**

1020 O St., Room 222, Sacramento 95814, (916) 445-0184.

In addition, the State Fire Marshal's San Francisco office is at 30 Van Ness Ave., Room 2044; and the public information telephone of the California Highway Patrol is 445-3908.

**Page 4, Congress:**

The New Senate Office Building's Washington ZIP code is 21510.

**Page 5, California Senate**

Senator Moscone's San Francisco number is (415) 557-3801; Senator Presley's district number is (714) 667-0127.

Senator Jerry Smith's Capitol number is 445-3104.

**Page 6, California Assembly**

Assemblyman Badham's district number is (714) 645-0074; Assemblyman Beverly's number is (213) 540-1611; Assemblyman Boatwright's number is (415) 689-1973; Assemblyman Deddeh's number is (714) 427-7080; Assemblyman Gualco's address is 5330 Madison Ave., Sacramento 95841, (916) 334-2522; Assemblyman Hayden's number is (408) 446-4114; Assemblyman Ingalls' number is (714) 781-3222.

**Page 7:**

Assemblyman Keysor's district number is (213) 361-1233; Assemblyman McVittie's address is 1063 W. 6th St., Ontario 91762; (714) 983-2757; Assemblyman S. Floyd Mori (D), District 15; district number (415) 538-5533; Capitol number, 445-7380; Assemblyman Ralph's district number is (213) 567-8892; Assemblyman Sieroty's district office is at 11340 W. Olympic Blvd., Los Angeles 90064; (213) 479-4244; Assemblyman Wilson's district office is at 8133 Engineer Rd., San Diego 92111; (714) 560-6777; Assemblyman Z'berg's district office is at 219 E St., Suite C, Davis 95616; (916) 758-5810.

**Page 10, Assembly Committees (cont.):**

Change Urban Development and Housing Committee to Housing and Community Development. The consultant to the Assembly Transportation Committee is D.J. Smith.



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# New Assembly cures for old maladies

Assembly Speaker Leo McCarthy has been causing some anguish among his colleagues through his efforts to reform the legislative process. But one so-called reform he didn't have in mind could come about through the highly publicized activities of one of his political opponents, Assemblyman Ken Meade of Oakland. Meade first refused to wear a tie in the Assembly chamber and won. Then he allowed his estranged wife, Sharon, to take his state-leased car to Kansas. He was ordered to return the vehicle to California immediately, but the incident apparently inspired a lawsuit to take all state-financed cars away from lawmakers; that reform would put a heavy dent into the pockets of many of them. Meade apparently realized that he had erred and indicated that he might resign from office, in part to protest what he called the "fascist" operations of McCarthy and company. Meanwhile, McCarthy announced that he would seek the following new rules:

- Stringent restrictions would be put on non-substantive "spot" bills so that they could not be amended and then rushed through the process without proper public examination.
- Members would be able to cast committee votes only in person; written proxy votes would be banned.
- Quickie committee meetings in the back of the chambers would be prohibited.

### Tax loopholes and electro-shock

McCarthy also joined with Governor Brown in an effort to abolish three so-called tax loopholes — the oil-depletion allowance, the home-office deduction for insurance companies, and tax breaks on preferential income (tax shelters).

Assemblyman John Vasconcellos introduced legislation designed to ease the psychiatrists' pain caused by one of his bills enacted last year placing restrictions on electro-shock treatment. Psychiatrists claimed that the measure made it virtually impossible to employ shock treatment for the mentally ill. The 1975 bill would ease some of the restrictions.

## VOTING RECORDS

*Listed here are the votes of legislators on recent major roll calls through March 14th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.*

**Y — Yes**
**N — No**
**★ — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

**Assembly:** 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

**Senate:** 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

| SENATE (24 D, 15R) | SB 16 SB 171 SB 86 SB 131 | SB 49 SB 219 SB 101 | | SB 16 SB 171 SB 86 SB 131 | SB 49 SB 219 SB 101 |
|---|---|---|---|---|---|
| Alquist (D) | YY*Y | YYY | Nejedly (R) | YNYN | YNY |
| Ayala (D) | YYY* | YYY | Petris (D) | YYYY | YYY |
| Behr (R) | YYYY | YY* | Presley (D) | YNYY | YYY |
| Beilenson (D) | YYYY | YYY | Rains (D) | *YY* | *Y* |
| Berryhill (R) | NYYN | YNN | Richardson (R) | NN*N | **N |
| Carpenter (R) | N*** | *** | Robbins (D) | YY*Y | *** |
| Collier (D) | YNYY | *N* | Roberti (D) | YYYY | *YY |
| Cusanovich (R) | NNYN | YNY | Rodda (D) | YYYY | YYY |
| Deukmejian (R) | YN*N | YN* | Russell (R) | NNYN | NNN |
| Dills (D) | NNYY | YNY | Schrade (R) | NNYN | YNN |
| Dunlap (D) | YYYY | YYY | Smith (D) | YYYY | YYY |
| Garcia (D) | YYYY | YYY | Song (D) | YYYY | YY* |
| Gregorio (D) | YYYY | YYY | Stevens (R) | **** | YYY |
| Grunsky (R) | YYYN | YYY | Stiern (D) | NNNN | Y*N |
| Holden (D) | *NYY | *Y* | Stull (R) | NNYN | NNN |
| Holmdahl (D) | NNYY | *** | Way (R) | YYYN | NNY |
| Kennick (D) | YNYY | Y*Y | Wedworth (D) | YNY* | Y*Y |
| Marks (R) | *YYY | YYY | Whetmore (R) | NNYN | NYN |
| Mills (D) | *YYY | YYY | Zenovich (D) | YYY* | YYY |
| Moscone (D) | YYYY | YYY | (one vacancy) | | |

Senate

**EDUCATION**

**SB 16** (Gregorio) — Makes physical-education courses voluntary in the 11th and 12th grades. Passed 23-11.

**SB 171** (Gregorio) — Authorizes high schools to permit students to smoke on school campuses. Passed 21-16.

**HEALTH**

**SB 86** (Moscone) — Authorizes practice of acupuncture on referral from licensed physicians; creates an Acupuncture Advisory Board to recommend standards for licensing practitioners. Passed 32-1.

**SB 131** (Marks) — Prohibits disclosure of information on persons being treated in a methadone program for heroin addiction. Passed, 21-12.

**HOUSING**

**SB 49** (Petris) — Authorizes the Department of Housing and Community Development to obtain federal housing subsidies to provide leased housing for the physically and mentally disabled. Passed 27-4.

**SB 219** (Marks) — Requires local agencies to deny approval of residential condominiums of 1,000 units or more unless replacement units are available for displaced tenants and construction of the development will not contribute to a deficiency in housing available to low-income families. Passed 22-10.

**MISCELLANEOUS**

**SB 101** (Mills) — Creates a transit development board in Los Angeles, Orange and San Diego counties. Passed 23-7.



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## Assembly

### CONSTITUTIONAL AMENDMENTS

**ACA 3** (Leroy Greene) — Authorizes local government to legalize bingo games for *charitable purposes.* Adopted, 57-16.

**ACA 15** (Cline) — Permits 18-, 19- and *20-year-olds to purchase and consume* alcoholic beverages. Failed 49-24 on second roll call, 54 votes required for adoption.

### EDUCATION

**AB 270** (Vasconcellos) — Requires that a high-school student be included as a nonvoting member of each school board, effective July 1, 1976. Passed 48-26.

**AB 312** (Maddy) — Requires that permanent tenure be granted to teachers who have served three consecutive school years in districts with fewer than 250 students. Passed 46-12.

### JUSTICE

**AB 407** (Berman) — Exempts from obscenity prosecution persons distributing obscene material, if they have no control over the exhibition of the material. Passed 50-21.

**AB 489** (Brown) — Repeals criminal penalties for oral copulation and sodomy between consenting adults in private. Passed 45-26.

### LABOR RELATIONS

**AB 90** (McAlister) — Restricts the amount of earnings subject to attachment or garnishment. Passed 61-6.

**AB 256** (Badham) — *Removes the statutory* restriction against girls under 18 working as messengers or delivery persons, and makes state law conform to federal regulations. Passed 56-4.

**AB 257** (Badham) — Removes law against girls under 18 working in certain street occupations, such as selling newspapers; sets minimum for boys and girls at 10. Passed 58-2.

### MISCELLANEOUS

**AB 108** (Lanterman) — Prescribes noise limits for automobiles manufactured after 1974. Passed 53-21.

**AB 14** (Vasconcellos) — Would permit variety of uses for new governor's mansion. Passed 60-100.

**AB 63** (Keysor) — Would permit a person who moves immediately before an election to re*tain the former address for voting purposes* in that election. Failed 36-27.

| ASSEMBLY (55 D, 25R) | ACA 3 | ACA 15 | AB 270 | AB 312 | AB 407 | AB 489 | AB 90 | AB 256 | AB 257 | AB 108 | AB 14 | AB 63 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alatorre (D) | Y | Y | Y | * | Y | * | Y | * | * | Y | * | * |
| Antonovich (R) | N | N | N | N | N | N | N | Y | Y | N | N | N |
| Arnett (R) | Y | Y | N | Y | Y | Y | * | Y | Y | Y | Y | N |
| Badham (R) | N | Y | N | N | N | * | N | Y | Y | * | N | Y |
| Bane (D) | N | N | Y | * | Y | Y | Y | N | Y | * | Y | Y |
| Bannai (R) | Y | Y | N | Y | Y | * | Y | Y | Y | Y | Y | N |
| Berman (D) | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Beverly (R) | Y | Y | N | Y | N | Y | Y | Y | Y | Y | N | Y |
| Boatwright (D) | Y | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y |
| Briggs (R) | Y | Y | N | N | N | N | * | Y | N | N | N | Y |
| Brown (D) | Y | Y | Y | * | Y | Y | Y | * | * | Y | * | N |
| Burke (R) | N | N | N | * | N | N | * | * | Y | N | N | Y |
| Calvo (D) | Y | Y | Y | Y | Y | Y | Y | N | Y | N | Y | Y |
| Campbell (R) | Y | N | N | N | N | N | Y | Y | N | N | N | Y |
| Carpenter (D) | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Chacon (D) | Y | N | Y | * | N | Y | Y | * | * | N | Y | N |
| Chappie (R) | * | N | N | * | N | N | * | Y | Y | Y | N | N |
| Chel (D) | Y | Y | Y | Y | * | Y | Y | Y | Y | Y | Y | Y |
| Chimbole (D) | Y | N | N | Y | N | Y | Y | Y | Y | Y | Y | Y |
| Cline (R) | Y | Y | * | N | N | N | Y | Y | N | N | N | N |
| Collier (R) | N | N | N | N | N | N | * | Y | Y | Y | N | N |
| Craven (R) | N | Y | N | N | N | N | N | Y | Y | * | N | N |
| Cullen (D) | Y | Y | N | * | Y | Y | Y | * | * | Y | * | * |
| Davis (D) | N | N | * | * | N | Y | Y | Y | Y | * | * | Y |
| Deddeh (D) | Y | N | Y | Y | Y | Y | Y | N | Y | N | Y | Y |
| Dixon (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Duffy (R) | Y | N | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Egeland (D) | Y | N | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Fenton (D) | Y | * | Y | Y | Y | Y | N | Y | Y | Y | N | Y |
| Foran (D) | Y | Y | N | Y | Y | Y | * | Y | Y | Y | N | Y |
| Garamendi (D) | Y | Y | Y | Y | N | Y | Y | Y | N | Y | Y | Y |
| Goggin (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Greene, B. (D) | Y | Y | * | Y | Y | * | Y | * | * | Y | Y | Y |
| Greene, L. (D) | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Gualco (D) | Y | N | Y | * | Y | Y | N | Y | Y | Y | N | Y |
| Hart (D) | Y | Y | Y | Y | N | * | Y | Y | Y | Y | Y | Y |
| Hayden (R) | N | * | Y | N | N | Y | N | Y | Y | Y | N | Y |
| Ingalls (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Kapiloff (D) | * | * | * | Y | * | * | Y | Y | * | * | N | Y |
| Keene (D) | Y | Y | Y | Y | N | Y | Z'berg (D) | * | Y | * | Y | Y | N | Y |
| Keysor (D) | N | N | Y | ** | Y | ** | Knox (D) | Y | Y | Y | Y | Y | Y | Y |
| Lancaster (R) | N | N | N | N | N | N | Lanterman (R) | Y | N | N | Y | N | N | N |
| Lewis (R) | Y | N | * | Y | * | N | Lockyer (D) | N | Y | Y | * | * | N | Y |
| MacDonald (D) | Y | * | Y | Y | Y | Y | Maddy (R) | Y | Y | Y | Y | Y | Y | * |
| McAlister (D) | N | N | Y | Y | Y | Y | McCarthy (D) | * | Y | N | N | N | Y | Y |
| McLennan (R) | N | N | N | N | N | N | McVittie (D) | * | Y | Y | Y | Y | Y | N |
| Meade (D) | Y | Y | Y | * | Y | Y | Miller (D) | N | * | N | Y | N | * | Y |
| Mobley (R) | Y | N | N | Y | N | N | Montoya (D) | Y | * | * | N | Y | Y | N |
| Mori (D) | - | - | - | - | - | - | Murphy (R) | N | * | N | Y | Y | Y | N |
| Nestande (R) | Y | Y | Y | * | Y | * | Nimmo (R) | Y | Y | N | Y | N | Y | N |
| Papan (D) | N | Y | Y | * | Y | Y | Perino (D) | Y | N | N | * | Y | Y | * |
| Priolo (R) | Y | Y | N | Y | * | * | Ralph (D) | Y | Y | Y | Y | Y | * | Y |
| Robinson (D) | Y | N | Y | Y | N | Y | Rosenthal (D) | Y | Y | Y | Y | Y | Y | Y |
| Siegler (D) | Y | N | Y | Y | Y | Y | Sieroty (D) | * | N | Y | Y | Y | N | * |
| Suitt (D) | Y | * | Y | Y | Y | Y | Thomas, V. (D) | Y | Y | Y | N | N | * | Y |
| Thomas, W. (R) | Y | Y | Y | Y | N | Y | Thurman (D) | Y | N | Y | Y | N | Y | Y |
| Torres (D) | Y | Y | Y | * | Y | * | Tucker (D) | Y | Y | Y | Y | Y | Y | Y |
| Vasconcellos (D) | Y | Y | Y | * | Y | Y | Warren (D) | * | Y | * | * | Y | Y | Y |
| Wilson (D) | Y | N | N | Y | Y | Y | Wornum (D) | Y | Y | * | * | N | Y | Y |
| Z'berg (D) | * | Y | Y | N | Y | Y | | | | | | | | |

## BARGAINING, continued from page 120

tions of employee rights. (The problem for the municipalities, he explained, is the assigning to a third party the authority to work out an agreement that could commit public funds without the consent of elected officials.)

### Bill bargaining

As proponents and opponents of SB 275 completed their testimony before the Senate Governmental Organization Committee last month, efforts on both sides shifted to amending Dills' bill to meet objections on both sides, some substantial, some technical in nature.

"We would like to have a chance to negotiate on this bill," said Arnold, but he senses that a number of labor groups — the state AFL-CIO and CSEA among them — hold the power of life-or-death over SB 275. Nonetheless, he conceded that in some ways management's hand is strengthened in 1975. "We're in pretty good shape this year, for pretty bad reasons," he commented.

The reference was to rising unemployment, deepening recession and a wary attitude by taxpayers toward any increase in levies. If a marriage is to take place under such conditions, the taxpayer looks to some like an unlikely candidate to furnish either the flowers or the shotgun, whichever it may come down to.



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# A WASHINGTON PERSPECTIVE...

By Lou Cannon

## *The way from San Jose*

When Norman Y. Mineta was mayor of San Jose, he initiated a series of neighborhood forums where citizens came with their questions and complaints. Mineta liked these forums, which gave him a sense of being able to do something directly for his constituents. When a citizen wanted a pothole paved or a city park better policed, Mineta usually had enough clout to get it done. Even under San Jose's "weak mayor" form of government, there usually were enough resources available at city hall to take care of the simpler problems.

Mineta is a congressman now, a freshman at a session where freshman Democratic House members are as plentiful as profanity on a Nixon tape. Despite the heady wine of participating in the most significant House structural changes in two generations, Mineta is learning that personal accomplishment is less easily achieved, or at least perceived, in the legislative branch of government.

Still, it is an exciting time to be in Washington, and Mineta has made the most of it. "You couldn't have picked a better time or place to be anywhere," Charles B. Rangel, a three-term Black Democrat from New York, told Mineta the other day. Mineta agrees. "What has made it exciting," he says, "is the changes that have occurred. I'm pleased to have been a part of it."

Using the quiet style of leadership he demonstrated in San Jose, Mineta has been making his mark. He was a key participant in the Democratic caucus decisions that gave the tired blood of the House seniority system a transfusion of fresh leadership. Now, he is one of the relatively few Democrats who is publicly expressing concern for the more disturbing aspects of the ballyhooed "reforms" that have accompanied the ascension of the Democratic caucus. Historically, the Democratic liberals took the lead in complaining about the closed-door decisions that featured the *ancien régime* of the senior, and frequently Southern, Democratic chairmen. Gradually, the liberals forced House committees to operate more openly and with more recorded votes. Most of these changes were accompanied by the usual rhetoric about the private business of the House also being the public's business.

Mineta wasn't around then. Now he is part of an ostensibly liberal caucus that has resurrected the proxy-voting device long favored by the Southern chairmen. The key decisions of the House are now made behind closed doors in the Democratic caucus as they once were made in, say, the House Armed Services Committee. And Democrats are bound to party positions on key questions in an extension of the discredited unit rule once detested by the liberals.

Mineta accepts the new House orthodoxy on proxy voting, using the rationale that he is a member of six subcommittees. Otherwise, he is skeptical. "I haven't seen or heard anything in these caucus discussions that requires a closed meeting," Mineta said. "Maybe we should close them for personnel discussions, but not when we're debating issues." When the House Democrats the other day took a binding vote on Cambodian aid — in effect, the decision about what the House would do — Mineta met afterward with half a dozen like-minded freshmen and discussed prospective strategies for opening up the caucus.

Norman Mineta

Mineta and his wife May and their two sons have accepted Washington as their home — a transference that does not come easily to most Californians. Mineta and his 11-year-old like to spend their spare time visiting Civil War battlefields. His 4-year-old also is imbued with a sense of history; at the Lincoln Memorial, gazing at the granitic presence of America's greatest President, he asked his father, "Daddy, can I sit in his lap?"

Mineta enjoys telling this story. He likes, too, his place in Congress, where he is gradually making the discovery that working in the legislative branch can be as satisfying, if more anonymous, than presiding over one of California's major cities. This month he will hold three public forums in his district, even as he did when he was mayor of San Jose.

* * *

Paul R. Haerle, the California Republican chairman who once was Ronald Reagan's appointments secretary, has managed the tricky combination of endearing himself both to the Ford administration and to increasingly estranged GOP conservatives.

The conservatives liked what they saw of Haerle at the Republican National Committee meeting in Washington last month. He sided with them in an unsubstantive but highly symbolic debate on a rule interpretation aimed at opening up the GOP to minorities, young people and women through "positive action" efforts. To conservatives, positive action in even its mildest form smacks of the hated "quota system" of the McGovern Democrats. The issue almost evenly divided the National Committee, a body that invariably prefers meaningless unity to principled division. Haerle succeeded in writing the compromise that did the least damage to this imagined unity, even though he personally thought the entire "positive action" approach was posturing.

"Breast-beating resolutions don't have anything to do with broadening the base of the party," he said after the nearly unanimous vote in behalf of the compromise. "You can only do that with aggressive leadership and intelligent, articulate candidates." Foremost among these candidates, Haerle seems to believe, is the Republican President of the United States. Publicly, he expressed the view that Gerald Ford was doing well and would do better. Privately, he convinced key strategists in the Ford administration that he is in the President's corner and not Reagan's in any showdown fight for the presidential nomination.

State chairmen do not deliver votes in California, of course. Nevertheless, Haerle's ungrudging support for Ford has encouraged White House advisers to believe that Reagan's putative candidacy is, at this moment, more talk than anything else. The President has real problems in a few Southern states and New Hampshire but, without California, the conservatives who dream of derailing Ford within his own party simply have no chance.

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*A university anywhere can aim no higher than to be as British as possible, for the sake of the undergraduates, as German as possible, for the sake of the public at large, and as confused as possible, for the preservation of the whole uneasy balance.*

**— Clark Kerr**

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